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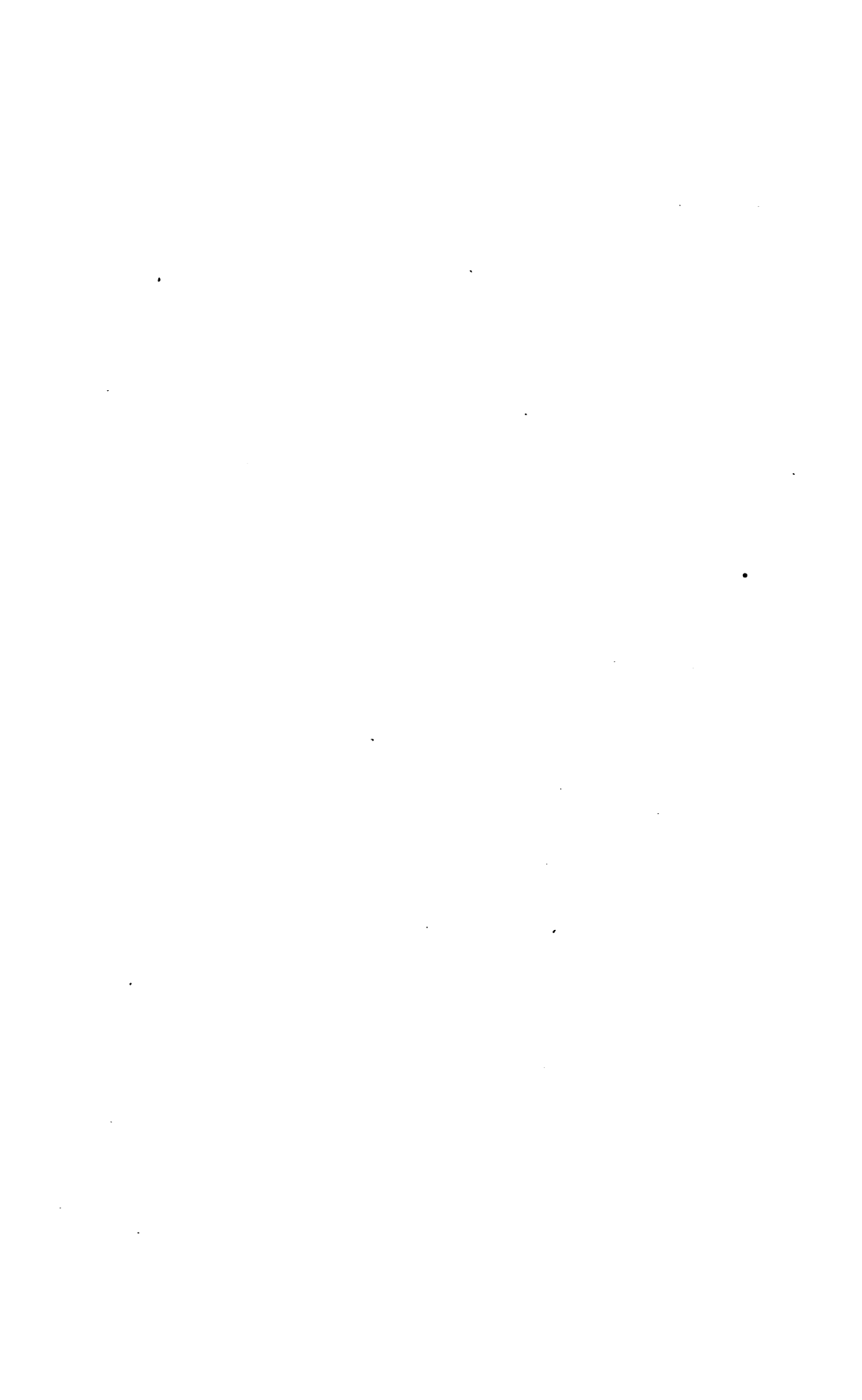
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LELAND STANFORD JUNIOR UNIVERSITY

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JOURNAL
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SOCIAL SCIENCE,
CONTAINING THE
PROCEEDINGS OF THE AMERICAN ASSOCIATION.

NUMBER XXXVI.

DECEMBER, 1898.

SARATOGA PAPERS OF 1898.

PAPERS READ IN THE DEPARTMENTS OF EDUCATION,
HEALTH, JURISPRUDENCE, FINANCE, AND
SOCIAL ECONOMY,

WITH STENOGRAPHIC NOTES OF DEBATES.

EDITED BY
J. A. DAMRELL, JR.
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AMERICAN SOCIAL SCIENCE ASSOCIATION.

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G. P. PUTNAM'S SONS, NEW YORK.

1898.

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EDITED BY

REV. FREDERICK STANLEY ROOT, M.A.

GENERAL SECRETARY OF THE ASSOCIATION, 129 EAST 15TH STREET
NEW YORK

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INTRODUCTION.

The papers included in this number of the *Journal of Social Science* comprise nearly all of the Saratoga addresses of 1898. The debates, which followed the reading of papers, are stenographically reported; but, owing to the large amount of matter thus supplied to the editor, a considerable reduction in quantity was necessitated by the space limitations of the present volume. The reports of discussions as they came from the stenographer were continuous, as if belonging to a single session. This involved a re-arrangement of the whole and a distribution of parts to follow individual essays,—an undertaking attended by much perplexity. However, in view of the fact that each stenographic record of importance, where exact phraseology is vital to the correct interpretation of the writer's meaning, was submitted to the author for revision, the essential integrity of his utterance is assured.

It may be well in this place to remind essayists once more of the *invariable rule* of the Association, that all papers engaged for the General Meeting are so secured with the understanding that they may be published in the *Journal* if deemed advisable. The members of the Council, however, are not pledged in advance to the publication of any particular paper. If writers choose to publish elsewhere, it must be with the stipulation that their papers may also be printed in the *Journal*, at the option of the Council as to date of publication. Heads of Departments are not solicitous to secure essays which, in general form and substance, have been read elsewhere before presentation at Saratoga.

A list of all addresses and papers will be found in the Table of Contents on page iii.

BUSINESS OF 1898.

The American Social Science Association held its Thirty-sixth Annual Meeting at Saratoga, beginning Monday evening, August 29, and closing with the session of Friday morning, September 2. The proceedings of the various Departments were conducted in the old Court of Appeals Room, Town Hall, and sustained the usual high Association standard of expert discussion of topics of vital and abiding interest. During three days of most exceptional heat the audiences were above the average in point of numbers, and the effort made this year to afford greater opportunities for free extempore debate bore fruit in quickening the mental alertness and attentiveness of listeners. The opening address of President Baldwin, on the "History of American Morals," covered a wide range of acute and pertinent observation upon what might be termed the evolutionary ethics of a nation; and the papers of other notable speakers profoundly summarized the trend of modern thought in Art, Education, Sociology, Jurisprudence, and Sanitation. The address of the General Secretary emphasized the necessity of larger extension of Association work through individual devotion to the interests of the society, and several methods were suggested by which this result might be achieved. He reported a gain of one hundred and forty-five new members during the year, many of whom are men eminent in literary, musical, and artistic pursuits. Perhaps the most significant vote of the Association was the adoption of a resolution recognizing, with warm approval, the act of the Czar of Russia in proposing the virtual disarmament of the nations of the Old World. On motion of Hon. St. Clair McKelway, of the Brooklyn *Eagle*, the following message was enthusiastically indorsed as expressive of the sympathy of the Association with this most pacific overture; and in the form of a cablegram the message was at once transmitted to the Czar, reading as follows:—

To the Czar of Russia:

The American Social Science Association unanimously hails the lofty purpose of your overture for a better understanding among nations, and for better economic conditions for their peoples, and confides in its eventual success.

On Monday evening, August 29, a Nominating Committee was appointed to bring in a list of officers for the ensuing year. That committee consisted of Dean Wayland, Dr. Edward Eggleston, and Mr. W. A. Giles. At a subsequent meeting of the Association the list of officers, as reported by the committee, was adopted; and the names may be found on a succeeding page of the Journal.

On Friday morning Dr. H. Holbrook Curtis, of New York, offered the following resolution:—

Resolved, That the congratulations of the American Social Science Association be extended to Major and Chief Surgeon William H. Daly, Chairman of the Health Section, in recognition of his patriotism and in appreciation of the executive capacity he has shown in the administration of his department while serving upon the staff of General Nelson A. Miles during the recent war.

This resolution was unanimously adopted.

The regular midsummer meeting of the General Council was held at four o'clock, Thursday afternoon, in one of the parlors of the United States Hotel. In attendance were President Baldwin, Rev. Joseph Anderson, D.D., Mr. T. M. North, Dean Wayland, Professor J. W. Jenks, Hon. F. B. Sanborn, Mr. Edward T. Potter, Mr. E. H. Avery, and the General Secretary.

Dean Wayland moved that the next annual meeting of the Association be held, as usual, at Saratoga. The motion was referred to a special committee, consisting of Messrs. Wayland, Sanborn, and Jenks, with instructions to report at the winter session of the Council. It was also

Voted, That a sufficient number of copies of the Journal be bound in cloth for distribution among the members of the Association, and in addition thereto one hundred extra numbers.

The General Secretary was further directed to supply to any speaker before the Association, whose essay is published, twenty-five reprints, and as many more copies as such essayist may choose to pay for at the cost of printing.

Although no motion was deemed necessary, it was also understood that essayists should receive each two copies of the Journal.

The Council then adjourned without date.

FREDERICK STANLEY ROOT,
General Secretary.

MEMBERS OF THE ASSOCIATION.

All officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In view of the fact that Department Committees are greatly in need of reorganization upon a basis of *active participation* in the work of the Association, the General Secretary deems it wise to omit the list until such organization is effected. This, of course, is exclusive of Heads of Departments whose names appear in the list of the officers of the Association.

In the list herewith submitted the annual and life members are given alphabetically, and the honorary and corresponding members according to nationality. The only distinction between honorary and corresponding members is that the former reside in the United States, and the latter in foreign countries. According to a minute enacted by the General Council, Dec. 17, 1897, the name of any member who has not paid his dues for the three calendar years next preceding the date adopted — March 1, 1898 — shall be stricken from the rolls. It was also voted at this meeting that the Journal of the Association shall not be sent to any member who has not paid his dues for the year in which the convention is held which is reported in the Journal. It was subsequently voted at a council meeting held in Woodmont, Conn., July 6, 1898, that the General Secretary be permitted to use his discretion in carrying into effect these resolutions.

CONSTITUTION,
LIST OF OFFICERS, MEMBERS, ETC.,
OF THE
American Social Science Association
DECEMBER 15, 1898.

CONSTITUTION.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its object shall be classified in five departments : the first, of Education and Art; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. *The Council shall consist of President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-laws.* The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person, upon nomination by the Council, may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life member exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

American Social Science Association.

(Founded in 1885.)

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1898-99.

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V. *Jurisprudence*.—Prof. FRANCIS WAYLAND, LL.D., New Haven, Conn., *Chairman*; F. J. STIMSON, 709 Exchange Building, Boston, Mass., *Secretary*.

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[NOTE.—The names on this list marked with a *star* are those of persons who cannot be found by post-office officials. In each case the letters were forwarded and were returned to the editor as evidence of the inability of the authorities to find the person to whom communications were addressed.]

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[NOTE.—In arranging the subjoined list of Annual Members, it has been deemed best to omit street and number until a thorough revision has been completed in these particulars. Such addresses as are known can only be chiefly useful to the Treasurer and General Secretary, and to the publisher for distribution of Journal. Meanwhile the Editor earnestly reiterates his request of a year ago that members will *promptly* report any deaths coming to their knowledge. He would also emphasize the fact that all resignations from the society should be *immediately* communicated to him, as well as removals from one city or town to another, with change of street or number. This is *imperative*, if the difficult task of revision is to be effected. All data of this description must be sent to the General Secretary, 129 E. 15th St., New York City.]

- | | |
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FRED. STANLEY ROOT,

129 E. 15th STREET, NEW YORK.

GENERAL MEETING OF 1898.

The General Meeting of the Association for 1898 was held at Saratoga, N.Y., from the 29th of August to the 2d of September, inclusive, opening at 8 P.M., August 29, with an address by the President. The report of the General Secretary followed.

The Departments of Education and Art met on August 30; the Departments of Finance and Social Economy, on Wednesday, August 31; the Department of Jurisprudence, on Thursday, September 1; and the Department of Health, on Friday morning, September 2. Business transacted on Thursday afternoon will be found recorded under the head of *Business of 1898*.

The Departments held sessions as follows: —

MONDAY, AUGUST 29.

8.00 P.M. Annual Address by the President, Hon. SIMEON E. BALDWIN, LL.D., of New Haven, Conn., on "*The History of American Morals*."

9.00 P.M. Annual Report of the General Secretary, Rev. FREDERICK STANLEY ROOT, M.A., of New York.

Appointment of Nominating Committee.
Miscellaneous Business.

TUESDAY, AUGUST 30.

Department of Education and Art.

9.30 A.M. Remarks by the Chairman, Rev. JOSEPH ANDERSON, D.D., of Waterbury, Conn.

10.00 A.M. * A Paper by the Secretary of Department, S. T. DUTTON, of Brookline, Mass., Lecturer on Pedagogy in Harvard University, on "*By-products of Education*."

* Paper cancelled.

10.45 A.M. A Paper by Mrs. DANIEL FOLKMAR, of Milwaukee, Wis., on "*The Short Duration of School Attendance. Its Causes and Remedies.*" (Illustrated by wall charts.)

11.30 A.M. A Paper by Dr. HENRY M. LEIPZIGER, of New York City, on "*The Educational Value of the Popular Lecture.*"

12.15 P.M. A Paper by Prof. W. F. BLACKMAN, Ph.D., of Yale University, on "*Is Society an Organism?*"

(Each of these Papers open for discussion.)

8.00 P.M. A Paper by Hon. WILLIAM T. HARRIS, LL.D., United States Commissioner of Education, on "*The Significance of the Recent Advance in College and University Education in the United States.*"

8.45 P.M. A Paper by Prof. GEORGE L. RAYMOND, L.H.D., of Princeton University, on "*The Influence of Art upon Education; Intellectual, Social, and Religious.*"

WEDNESDAY, AUGUST 31.

Departments of Finance and Social Economy.

9.00 A.M. An Address by the Chairman, Hon. F. B. SANBORN, of Concord, Mass., on "*Co-operative Banks and Building Associations.*"

9.30 A.M. A Report by the Secretary of Department, JOSEPH LEE, of Brookline, Mass., with brief Address by THOMAS M. OSBORNE, of Auburn, N.Y.

10.00 A.M. A Paper on "*The Proposed Anglo-American Alliance,*" by CHARLES A. GARDINER, of New York City.

10.30 A.M. A Paper by DANIEL FOLKMAR, of Milwaukee, Wis., on "*Sociology as based on Anthropology.*"

11.00 A.M. A Paper by Hon. JOSIAH QUINCY, Mayor of Boston, Mass., on "*School Playgrounds and Baths.*"

12.00 M. General Discussion of the Preceding Papers.

8.00 P.M. Introduction by Chairman of Finance Department, Prof. J. W. JENKS, of Cornell University.

Address on "*War Financiering*," by Hon. FRANK A. VANDERLIP, Assistant Secretary of the United States Treasury.

8.50 P.M. Discussion of the above topic. Opened by Prof. CHARLES H. HULL, of Cornell University.

THURSDAY, SEPTEMBER 1.

Department of Jurisprudence.

9.30 A.M. Opening remarks by the Chairman, Prof. FRANCIS WAYLAND, LL.D., of New Haven.

10.00 A.M. A Paper by Prof. ISAAC FRANKLIN RUSSELL, D.C.L., LL.D., of New York City, on the question, "*Can International Disputes be Judicially Determined?*"

10.45 A.M. A Paper by EUGENE LAFLEUR, Esq., of the Montreal Bar, on "*American Marriages and Divorces before Canadian Tribunals.*"

11.30 A.M. A Paper by Hon. CHARLES BULKLEY HUBBELL, of New York City, on "*The Obligations of the State to Public Education.*"

8.00 P.M. A Paper by ST. CLAIR MCKELWAY, LL.D., of Brooklyn, N.Y., on "*Medical and Other Experts.*"

FRIDAY, SEPTEMBER 2.

Department of Health.

9.30 A.M. General Session.

- (a) Report of Nominating Committee.
- (b) Annual Election of Officers.
- (c) Miscellaneous Business.

Papers followed in the order named, by Dr. ELMER LEE, of New York, on "*A Study of Habits of Life and Constitution leading to Apoplexy*"; and by Dr. W. J. HOLLAND, Chancellor of Western University, Pittsburg, Pa., on "*The Purification of Municipal Water Supplies by Filtration.*"

In Memory of

REV. HEMAN LINCOLN WAYLAND, D.D.

The Rev. Heman Lincoln Wayland, D.D., President for two years of this Association, and one of its officers and efficient supporters for many years, died at Walters Park Sanitarium, Wernersville, Penn., Nov. 7, 1898.

Dr. Wayland was born at Providence, R.I., April 23, 1830. He was a son of Dr. Francis Wayland, the eminent President of Brown University, from which institution he graduated in 1849. Among his classmates were the late Benjamin F. Thurston of Rhode Island, Julian Hartridge of South Carolina, Gen. N. B. Underwood of Massachusetts, and President James B. Angell of the University of Michigan. He studied at Newton Theological Institution 1849-50, taught in the academy at Townsend, Vt., 1850-51, was a tutor at Rochester University 1852-54, pastor of the Main Street Baptist Church, Worcester, Mass., 1854-61, chaplain of the Seventh Connecticut Volunteers 1861-64, home missionary in Nashville, Tenn., 1864-65, Professor of Rhetoric and Logic in Kalamazoo College, Mich., 1865-70, President of Franklin College, Ind., 1807-72, editor of *National Baptist* 1872-94, associate editor of the *Examiner* 1894-97.

He was the author of a life of C. H. Spurgeon and, with his brother, Professor Francis Wayland, author of the Life of Francis Wayland, President of Brown University. He contributed numerous articles to various leading periodicals, and made frequent miscellaneous addresses. One of his most brilliant efforts, full of eloquence and sparkling with humor, was in response to a toast at a dinner of the New England Society in New York City, a few years ago. It was copied throughout the country, read with great interest and pleasure everywhere, and will be long remembered.

To the members of this society his presence was always a delight, and was so striking that it seems easy to make him alive again before us. His tall, spare, somewhat angular figure, his

large face, almost always brightened by a smile, his massive head, with bushy, overhanging brows, the comprehensive sweep of his long arm, were of themselves enough to make him a noticeable figure.

He was naturally a radical ; but he had nothing of the violence and intensity, the prejudice and hostility, which so frequently accompany radical views. He had a hospitable mind for all shades of opinion, and an indomitable patience and good nature in meeting all kinds of arguments. He was just as fond of the men who did not agree with him as of those who did, and they had the same feeling toward him. One might differ from him greatly in his opinions and conclusions, but for the man himself there could be nothing but liking and respect. He had a most genial and effervescent humor, which cropped out constantly, lubricating dry questions, smoothing away irritating suggestions, pointing logical arguments. It was never sharp, never harsh, never in the slightest degree unkind : it was the humor which grew out of the topic and the view he took of it, and had no personal bearing.

He had a broad, capacious heart. He loved his fellow-men, and wanted to see them all happy, comfortable, good and sensible. Whatever came within his experience or notice that did not accord with these views gave him pain, and he began at once to look for a remedy. If any plan had promise in it, he at once became a friend and promoter of that plan ; but, when he found, as he had to admit he frequently did, that the plan did not work, he was ready to drop it and try another. He felt that something must be done, and was willing to try anything that gave prospect of success.

Among the papers written and read by him before the Association are the following, the titles of which show his humanities and the bent of his mind : "Progressive Spelling," "The Unnamed Third Party," "Postal Savings Banks," "Social Science in the Law of Moses," "The Dead Hand," "Compulsory Arbitration," "State Surgery," "The Higher Education of the Colored People" ; but there have been few subjects presented before the Association within the last ten or fifteen years which seemed to have a bearing on the welfare of man in the discussion of which he did not take an active part.

He gave his life for mankind, and he wore himself out before he had reached the period when his natural vigor should have given way. More than a year ago he began to fail. After a while he

was induced to give up work, and take a rest, which his friends confidently hoped would restore him to health. But it came too late. The silver cord was loosed, the golden bowl was broken. The dust returned to earth as it was, and the spirit to God who gave it.

Sleep, O my brother, sleep, and let thy rest
Be as thy life was, ever of the best.

FREDERICK J. KINGSBURY.

ERRATUM.

In President Baldwin's address, for "*inhabitants*"—page 20,
line 14 — read "*families.*"

THE HISTORY OF AMERICAN MORALS.

BY HON. SIMEON E. BALDWIN, LL.D., OF NEW HAVEN, CONN.,
PRESIDENT OF THE ASSOCIATION.

[Read Monday evening, August 29.]

The science which it is the object of this Association to promote is one which the world has been slow to recognize. Its universality has been against it. Its want of exactness has been against it. It is unsusceptible of close methodical arrangement. Its positions and processes are empirical rather than axiomatic. "I really think that the science of society," wrote John Adams to a French correspondent in 1784, "is much behind other arts and sciences, trades and manufactures,—that the noblest of all knowledge is the least general." *

The history of society must precede the science of society, and a hundred years ago that history was almost unwritten. One branch of it, for America, is unwritten still. It is that of the rules of conduct by which from generation to generation we have governed our daily lives.

The history of European morals is the subject of a work that has already become an English classic. That of American morals it is perhaps still too soon to write. I shall venture, however, this evening, to sketch in outline some of the main features which have seemed to me to characterize their course, both in the colonies and in the States that have succeeded them.

Like every people, we have had duties, which have been well or ill performed, to each other, to our country, and to foreign nations, or the world at large. We have had also, by the force of circumstances, special duties to the Indian and the negro.

It would be impracticable, in this rough and hasty sketch, to look back of the seventeenth century. The few and scattered settlements previously made had no independent life and character of their own. It is with Virginia and Plymouth that the real history of the United States begins.

* Works, ix. 522.

If I were to name the characteristic of that century in the world at large, I should say that it was or gradually hardened into an age of formalism. Bacon and Shakspeare could not stand up against it to stem the tide. They spoke, indeed, for the century before, out of which they passed with their reputation won. The literature of the seventeenth century became one of creeds and catechisms. There was a conventional language of courts, to which the very Prayer Book stooped in its petitions for "our most religious king." The lawyers were busy in inventing writs instead of explaining rights. The work best esteemed was that which put in shape what earlier times had thought out.

Rigidity of form in human society cannot last long. There is sure to come an explosion from within. The mine may be laid by some hand, like Pascal's, and fired by a spark of irony, or by one more daring and more reckless of what may come, like that of Voltaire or Rousseau.

The eighteenth century was a long attack of scepticism upon formalism, and formalism fell. There fell with it that spirit of reverence for institutions which is the supreme safeguard of national morality. Men easily obey customary and established rules of conduct, so long as they do not ask how they came to arise and what purpose they really serve. But he who stops to debate with himself whether it is right to steal or lie, as each occasion presents itself, will often find the stronger arguments on the side of what seems immediate self-interest.

Scepticism conquered, and the divinity that had hedged about the kings of Europe fled before it. The French Revolution brought in a new order of things for the world. It set before it, as Carlyle has described it, "truth clad in hell-fire." The fire was gradually quenched: the truth abides,—the truth that equality is equity, and that human authority rests on human consent.

The nineteenth century has been one of scientific and industrial advance. Its greatest lesson has been taught by science in the realm of thought,—that wrought out by the minute investigations of Darwin and Wallace in the law of evolution, before which so much of what had been the world's conclusions as to our moral nature has been swept away.

Virginia was planted by men who were born in the sixteenth century, and who belonged to it in spirit. It reproduced the morals, the methods of government, the very religious establishment, of the

mother country. Its representative system was kept in check by the veto power of a royal governor. Its pride was to be most nearly like the land to which it owed allegiance and from which most of its colonists had come.

Whatever was peculiar in American life first appeared in New England. Here for a hundred years the people were almost wholly English, and yet thoroughly un-English in their moral and political ideals. Everywhere else, before the Revolutionary era, there was found a large admixture of Scotch, Irish, French, Dutch, Germans, and Swedes.* Few, if any, of these nationalities were found east of New York; while in 1685 they constituted half the population of Pennsylvania.†

The American of the middle colonies, up to the close of the eighteenth century, had no interest in the development of any theory of morals. In the words of one of them, written just before the Revolution, "Industry, good living, selfishness, litigiousness, county politics, the pride of freemen, religious indifference, are their characteristics."‡

There was then one deep-rooted cause of distinction between the Eastern and the other States. In the latter, morals lacked the support of a system of public education.

Out of the larger towns, children received little instruction, except such as their parents might be able to give them; and this, scanty at best, was apt to be most deficient as to matters of religion.§

It is also true that, of the inferior classes of society, while New England had probably imported quite as many servants from England as any other colonies, she had received fewer convicts or redemptioners. The convicts transported were naturally sent to colonies more strictly under the police power of the mother country, and the redemptioner generally looked for a more friendly soil and softer climate.||

It should not, however, be imagined that the English convicts sentenced to transportation to America were hardened villains, who had committed atrocious crimes. Such were then hanged. The convicts sent us were mainly from Northumberland, bred on the soil where Scotch and English were so often in conflict, and

* Letters from an American Farmer, Letter II. p. 32, ed. of 1783.

† Winsor's "Narrative and Critical History of America," iii. 485, 491.

‡ Letters from an American Farmer, Letter II. p. 36, ed. of 1783.

§ Ibid., Letter II. p. 40, ed. of 1783.

|| Winsor's "Narrative and Critical History of America," iii. 545.

guilty of no greater violence against their own countrymen than it would have been considered almost praiseworthy to commit across the border. They were sold on their arrival to the highest bidder for the term of years for which their sentence ran. Readers of Thackeray will recollect the seven years' labor that Corporal Brock, for the theft of three pewter pots, unwillingly bestowed on the tobacco fields of Virginia.

The redemptioners generally came from the poorest class of British and Irish laborers, and sold themselves for a term of years, commonly three, to pay for their passage over.* They arrived bound in this way to the captain of the ship that brought them, or to his order; and he sold them in lots of fifty or more to speculators, commonly called soul-drivers, who marched them off through the country, to be disposed of among the farmers, one by one, as opportunity offered. The last gang thus driven through Pennsylvania, it is said, was made up in 1785. At the end of a long tramp all were sold but one, a young Irishman, with whom the soul-driver put up, as night fell, at a country tavern. The redemptioner rose early, sold his master to the landlord,—who did not know which was which,—and made off with the money, saying, as he left, that the fellow was clever enough, but a little saucy, and had once tried to pass himself off as the owner of the gang, so that the purchaser must not be surprised by any lies he might tell.†

Virginia early became the home of another class of wanderers and outcasts. The street Arabs of London, of both sexes, were picked up by the police and shipped there, in considerable numbers, soon after its first settlement, and bound out as apprentices.‡

The Southern States had also soon to contend with the degraded class of citizens known as the poor whites, who sank in morals as they sank in caste. Slavery made them what they were. They felt that, because they were not black, they need not work; and idleness produced every other vice.§

Morals have no sure and solid foundation in a community where public sentiment regards as a breach of morality the temperate statement of an opinion on any matter of intellectual belief which differs from that generally prevailing.

Such a community was every New England colony, except

* Mazzei's "Recherches," ii. 15. † Day's Historical Collections of Pennsylvania, p. 209.

‡ Winsor's "Narrative and Critical History of America," iii. 143.

§ Mazzei's "Recherches," iii. 192.

Rhode Island, during at least the first century of its existence. That the only subject upon which no differences could be tolerated was religion made it all the worse. Of all subjects, this is the one on which men are most bound to think for themselves.

Within certain limits this feature of New England life was shared also by the other colonies. Maryland and Pennsylvania came nearest to Rhode Island in the direction of toleration, but neither went by any means as far.

The famous Act of Maryland, passed in 1649, was only in favor of those "professing to believe in Jesus Christ." To deny the doctrine of the Trinity it made a capital offence. Another of her statutes declared that the "Holy Church within this province shall have all her rights and liberties." * This, of course, was a decided recognition of papal authority.

Pennsylvania, while proclaiming from the first liberty of conscience as her foundation principle, explained that this did not include irreligion or atheism, and required Sunday to be kept with strictness as a holy day. †

Virginia in 1619 required "all persons whatsoever" to "frequent divine service and sermons on Sundays, both forenoon and afternoon." The "service" was that of the Church of England. ‡ In 1642 the New England Congregationalists attempted to introduce their form of worship there. Three missionaries were sent down from Boston, and met with so much success that the next Assembly passed a law that no ministers except those of the Church of England could remain in the colony; and their followers were soon afterward imprisoned or banished, finding a friendly shelter in more tolerant Maryland. §

But it was not the only mark of the influence of the age that the State maintained this guard over the Church and the conscience.

It was an additional misfortune that the ethical side of religion, as it was taught by those in authority, was taught but poorly.

We are probably bound to go farther, and say that the theological doctrines generally taught in our Protestant churches, until the present century, cannot be regarded as wholly favorable to a lofty standard of morals. I do not refer so much to the religious teaching of the pulpit as to its standards of belief. These were framed at a time when the character of the Bible was but imperfectly

* Winsor's "Narrative and Critical History of America," iii. 530.

† Ibid., iii. 487. ‡ Ibid., iii. 143. § Ibid., 147, 148, 531, 535.

understood by the majority of men. It was a kind of Sibylline book, one leaf, one text, from which was commonly accepted as of equal authority with any other.

Men like to lean on something stronger than themselves,—to learn of some oracle. The pope had served them in this way; and their unreasoning reverence for him had, in the multitude, among Protestants, been replaced by an unreasoning reverence for the Bible, as a book every line and word of which proceeded from divine inspiration. Scholars shared these sentiments sufficiently to use it as a quarry from which to construct in scientific arrangement a complete system of faith.

Theology is a science. We need no more wonder that its exposition by the Synod of Dort or of Cambridge, or the Westminster Assembly, was defective than that the books of their contemporaries on astronomy and chemistry were.

The Protestant confessions, or theological symbols, were all—Lutheran, Calvinistic, Anglican, American—founded on the conception of God which we find in the Pentateuch. They grounded the duty of man on metaphysical subtleties, and stimulated him to perform it by motives of self-serving expediency. They painted to him in strong colors a passive bliss of heaven and an excruciating misery of hell. They presented what has been aptly styled a commercial theory of the redemption of believers from the empire of evil. They were almost silent as to ethics as a rule of conduct, as to the practice of virtue for virtue's sake.

These well-meant but futile efforts to throw the warm and glowing words of Christ, so full of human love and tenderness, and yet so intolerant alike of wrong and injustice, of cant and formalism, into harmony with every word and act of Jacob or Moses, of David or Solomon, and to chill the whole into rigid articles and creeds, brought upon New England, and to a less extent upon all the American colonies, two great evils. There were many among the clergy, after the first generation or two had passed away, who felt themselves compelled to assent to doctrines which they but half believed or believed only on authority. There were many among their parishioners who accepted the letter of their creed rather than its spirit, and were content to lead a hard and selfish life, regarding themselves as having, by some mysterious process of regeneration, been made sure of eternal happiness.

That man works best who renders free and willing service to one toward whom his feelings are those of love and confidence.

It was the jealous God who visited the iniquity of the fathers upon their children down to the third and fourth generation, the offended sovereign, the austere task-master, whom seventeenth-century theology called on men to fear and serve.

Such a system gave some men the strength of iron, but it depressed and even debased the lives of thousands.

The morality of Puritanism, as Mr. Lecky has said, was a masculine morality. Its type of virtue was the *vir*,—the strong, upright, unswerving, indomitable man, rather than that character of tenderness, loyalty, long-suffering patience, disinterested devotion, that belongs in its highest form to woman, and woman only. But one man has ever yet attained all the grace of womanhood without losing any of the force of manhood. It took the special touch of heaven; and we must still say, "Never man spake like this man." But it was not the Christ that really controlled the life of the followers of Cromwell in England or of Winthrop and Dudley in New England. It was the Lord God Jehovah of the Old Testament. It was the God of our fathers in whose name they fought their way. Their tone of aspiration, as a people, never rose higher than that which animates, for instance, the grand movement and march of Rudyard Kipling's "Recessional." There were many old Cromwellians scattered through the American colonies, after the Stuarts came in again. They had the hearts for the "far-flung battle line." They owned, too, that a broken and a contrite heart was the true sacrifice to offer even to the Lord God of hosts; but they did not feel it. The tender, loving element in Christianity did not appeal to them out of their own households.

Hence came some all too familiar pages in our early history which, if we could, we would blot from memory,—the trials for witchcraft and the persecutions of Quakers, Roman Catholics, and Unitarians.

Have we even yet quite escaped from the shadow of their influences?

The morals of a people, in any generation, are largely shaped by the preceding generation. "The child is father of the man": the lessons of the school and of the Sunday-school are never forgotten. Are we right in continuing to give such prominence to the Decalogue as a standard of conduct in our systems of religious instruction for the young? Are we wise in still treating it, after the manner of our fathers, as a short code of morals, applicable to

the Christian world as fully as to the Jews in the days of Moses? At the best, the ten commandments can be understood by children but very imperfectly. Do they put God before them as a loving or as a jealous and revengeful being? What are they to believe when they are told they must put aside their games and playthings on Sunday, the first day of the week, because God rested on Saturday, the seventh day of the week, and hallowed that? The first commandment, as soon as they are old enough to reflect at all, will be apt to suggest polytheism to them; and the last will be quite inexplicable until they have mastered the meaning of the seventh.

I am always sorry to see a small child set to committing the Decalogue to memory. If he could really understand it, he would see — and, when a few years older, he is sure to see — that it contains only a few precepts, fitted for a half-civilized people who could bear no more.

But he does not really understand half of it at all.

Some years ago a grandchild of an American authoress, distinguished for contributions to Sunday-school literature, was found swinging on a neighbor's gate, to the manifest peril of the hinges. The wife of the man who owned the fence stepped out, and asked him to get off. "No, I won't," was the prompt response. "Why, Charley," expostulated she, "you really must. It is sagging the gate badly. You have no right, you know, to go off and get up on a neighbor's gate." "I won't get off," was the sturdy reply. "I don't care anything for my neighbor, nor for my neighbor's wife, nor for his ox nor his ass, nor his man-servant nor his maid-servant, nor anything that is my neighbor's." "Charley," said she, gravely, "do you know where you learned that?" "No," he replied, "but I guess it was from grandma. It sounds awfully like her."

I am afraid that not a few of the precepts of the Pentateuch have been quite as much misapplied by a good many of Charley's predecessors on American soil.

The path of morality needs to be lit up by sunshine. It may be made an attractive path by religious teachers; and it has been our misfortune that our religious teachers have insisted so strongly, and almost exclusively, in the past on its hard and formal side. Heaven itself has hardly been painted as a pleasant place for an intelligent being, finding his best satisfaction in well-directed activity, until what I may call the Tennysonian theology came in, during the last half-century. The great poet once laughingly

described the fundamental error, which he was born to combat, in these words: "The general English view of God is as of an immeasurable clergyman; and some mistake the devil for God."* I fear that what he then said of England might have been said, with almost equal point, of America.

The standard of morals in any country is largely set by its literature. What is read most tells most upon the national life.

In early New England, whence came the first beginnings of American literature, it was the Bible that was read most. It had not been a common possession long enough to lose its freshness.

A member of the theological faculty at Yale once remarked to me that, in a recent conversation with a Japanese student in the philosophical department, he had asked him whether he had looked into the New Testament yet; and the answer was that he had, and had got as far along as the middle of Mark's Gospel. "I envied him," said the professor, "those first impressions that the book made on him, but from which we are absolutely shut out by the education of our childhood." The Pilgrims were grown men before the Bible, as we know it, appeared. The former English translations had been uncouth and rough, and published in a form that was both too bulky and too expensive for general use among the common people. In 1611 came the King James version, and it opened a new door into another world. With its simple and yet stately diction, it attracted universal attention, were it only for its literary merits. It soon made itself the standard of English. It was from the first the acknowledged standard of conduct. It was for every reason the book of books to the Puritan and the Independent.

As we look at the history of the English people in the seventeenth century, one might almost fancy that they commenced to read it, when it first came into their hands, at the beginning, and never got any farther than Isaiah. They had then gone far enough to find what they wanted,—a warrant to be free.

Political circumstances certainly tended strongly to throw them back upon the Old Testament for their heroes and for their principles of action. They were under oppression, and were fighting their way to civil liberty. They were on the brink of great changes in government,—of the civil war and the Commonwealth. They were painfully toiling on toward a land of promise. As they

* *Life*, ii. 90.

looked for leaders, they felt more need of a Moses or a Joshua than of a Saint James or a Saint John.

The Bible, then, and the oldest books in it, set the tone of New England life for the seventeenth century, and to a large though less extent that of the Middle and Southern colonies.

Then came the dark ages of American history,—a period, indeed, measured by generations rather than centuries, but which sprang from the same causes as those which beclouded Europe after the fall of the Romans.

The men of learning whom religious enthusiasm had driven across the Atlantic at the outset of the English settlements had gone back to share in the new order of things which Cromwell had established, or had passed away. Harvard and Yale, William and Mary, and Columbia were not yet ready to fill each vacant place. The license of the Restoration had not been without its reflex influence here. The successors of the Stuarts brought to the throne morals almost as loose, and the king's bishops met the king's mistresses at the court of the early Georges. Protestantism had sunk into formalism in England, and it tended to the same level here.

The barbarians, too, were always upon the frontier,—barbarians who better merited that name than the Franks and Northmen of European history. Their savage atrocities provoked, and perhaps justified, atrocities no less savage in return.

There are wars which beget a spirit of moral heroism, but they are not wars between the white man and the Indian. Wherever these are waged, it is cunning that must meet cunning, cruelty that must revenge cruelty. There is no place for generous emulation or lofty chivalry.

Such an age could have no native literature, unless it were a rough and reckless poetry. It had not even that. There were endless volumes of sermons, endless controversial pamphlets on points of scholastic divinity,—nothing to call a people higher, or even to direct it to the best life it actually had.

Then came the "great awakening" in religion, that was part of that greater awakening of the world to what was real and good in it. Wesley revived the Church of England, and Whitefield the churches of America. The Revolution drew on. Science, ethics, the arts of civilized life, claimed place. Franklin gave his countrymen the first good English from an American pen,—the first plain lessons for every-day life from an American standpoint.

It was the dawning of our second heroic age. The first was that of the Pilgrims; the second was the Revolutionary era; the third, that of the Civil War.

The Revolution completed a new literature, a true literature. Patriotism asserted itself as the supreme rule of society. Liberty, fraternity, and equality followed in its train.

There was a general attack upon the old order of things. Religion did not escape. It ought not to have escaped. American Christianity had become metaphysical, unreal, unsubstantial. It treated the Bible in a spirit of literalism, and, for the most part, in absolute ignorance of the relations of the Old Testament to the New or of the various writings in either to each other. It refused to own what there was of truth in the criticisms of Tom Paine, and the consequence was that the whole of them were accepted as sound by a large part of the people. The close of the last century found infidelity wide-spread, and nothing strong enough to oppose the general depression of morals which naturally follows a long war.

The reorganization of government incident to the adoption of the Constitution of the United States, and the work of developing the new nation, opened the way to new aspirations, and threw our literature into new channels,—those of politics and trade. We made haste to get rich, not without the consequences that Solomon predicts. We had, for the time, no leisure to read books.

To replace them, we created the newspaper. Up to that time the newspaper, wherever in the world one was printed, had taken much the place now occupied by the magazine. It had made little effort to secure the news of the day, and crowded what it got into a corner, to make room for lengthy disquisitions on topics of remote concern.

Freneau and Duane taught it new uses. First the weekly, and then the daily press began to be one of the great powers of society; nor has it ever been displaced. The time when an English critic could scornfully ask, "Who reads an American book"? has long since gone by. It is because America writes better books; but the American newspaper still holds its early position. We may truly say that it deserves it. It is, more than anything else, the distinctive thing in American literature,—the thing which no other country does so well. There is, indeed, nothing, outside of London, like the London *Times*. Every line of it shows thorough work. But what does it cost? Who can afford to buy it? The

very beggars can give a cent for the New York daily and find it a library of current history.

The American newspaper is seldom a fair critic of a public man. But it is seldom other than a fair critic of public morals. That very public opinion which it has helped to create reacts upon it, and compels it to uphold in the abstract honor and integrity, purity of thought and dignity of life.

But the literature of a country alone is no sufficient guide to an understanding of its moral character. Political conditions and social changes must be given a large place. The French war, between 1756 and 1763, had quite as much to do with relaxing the moral tone of the colonies as any fault to be found with the current theology or any lack of readable and wholesome books.

English troops were then stationed here for considerable periods, and soldiers often billeted on private houses. A large part of the able-bodied colonists were at one time or another in actual service. The full force of the general spirit of license which comes in the train of war was felt throughout New England, and religion and morality both suffered.* They declined still further during the Revolution. "It unhinged," said President Dwight, of Yale College, in a Fast Day sermon in 1812, "the principles, the morality, and the religion of this country more than could have been done by a peace of forty years." He had been a chaplain in the Continental army, and was a close observer of men and manners.

In 1796 the church of Yale College had but a single member among the students.† The ordinary churches in New England were still well filled at the Sunday services, but people went largely as a matter of fashion. As late as 1810 it was customary there for every one, whatever his moral standards, to connect himself with some religious congregation, and occasionally attend worship there. To this there were but few exceptions, for never to go to church was to lose social caste.‡ There is now probably no portion of the country where among Protestants a majority of the men are even occasional church-goers.

Not a little of the colonial legislation of the seventeenth and eighteenth centuries was of a kind to depress the moral standards of the people. Their respect for rights of property had been dead-

* Silliman's "Eulogium on President Dwight," p. 5.

† Ibid., p. 19.

‡ American Unitarianism, Boston, 1815, p. 40, note.

ened by the consequences of the colonial and continental emissions of paper money. One who borrows a thousand dollars in gold for five years, and then pays off the loan in paper worth but a fraction of its face, is a gainer in one way and a loser in another. A wrong has been done; and, though there was a law for it, he must share in the responsibility for the existence of the law, and assume the undivided responsibility for taking advantage of it. "There is so much injustice," wrote John Adams in 1777, "in carrying on the war with a depreciating currency that we can hardly pray with confidence for success."*

The States, however, went on as the colonies had done, until the nation rose up to forbid it in the Constitution of 1787. Such laws were not enacted without strong dissent. Pennsylvania in 1781 passed one for the emission of State bills of credit, and to make them a legal tender. A protest was drawn up by the minority, among whom were Robert Morris and Thomas Mifflin, in which they say that such measures "render our courts of justice the ministers of inequity. Instead of compelling the performance of contracts, they not only permit and countenance, but aid and assist the violation of them. Hence it must follow that the magistrates will be disrespected, the laws contravened, and the morals of the people polluted."†

Eighty years later we were to repeat the experiment as a nation. The legal tender feature of the paper currency of the Civil War was a blunder which cost us dear. Part of the price we are paying still in the silver question on which the country was so sharply divided two years ago. 

The stay-laws and similar measures for the relief of debtors, which accompanied and followed the Revolution, were both an indication and a cause of a general blunting of the public sense of honesty and good faith. "We feel ourselves in duty bound to say," declared the grand jury of "Ninety-six" in South Carolina, in a presentment returned to court in December, 1788, "that the many acts of the legislature screening the debtor from the just demand of his fair and *bona fide* creditor have had a very pernicious influence on the morals and manners of the people. . . . We think greater regard should be paid to our national character, and are of opinion that a faithless community in the society of other States and nations is full as deserving of the detestation and abhorrence of mankind as a knavish individual in private society."‡

* Life and Works, ix. 463.

† American Museum, vol. vii., Appendix II., p. 17.

‡ Ibid., p. 10.

There was another colonial practice also which it was not easy to shake off after independence had been achieved.

Smuggling had come to be regarded almost as an act of patriotism, when the English navigation laws were bearing so heavily on American commerce. After the United States were granted power to tax imports, and made this their principal reliance for revenue, it was hard for those who had profited by cheating the British custom-house to respect the American one. An association of merchants in Alexandria was formed in December, 1789, to aid the new government in enforcing its laws; and in their articles they bound themselves both to obey them themselves, and so far as they could to compel the obedience of others, "particularly by discountenancing and discouraging smuggling, which we consider as injurious to the fair trader and prejudicial to the morals of those concerned in it."*

A lowering of the standards of business conduct is particularly unfortunate among an active and enterprising people. It is too rapidly multiplied.

Persistent and unremitting industry was from the first a general trait of Northern character among those of English stock. A Pennsylvania farmer, visiting Massachusetts in the last century, remarked with admiration that he observed many of the people, while buying and selling at a market, occupied in whittling cedar into bungs, so as not to be idle.† But men who are thus always on the move are apt to magnify the good of money, and treat its gain as the chief end of life. Starting from that basis, there is not far to travel between skill and trickery.

An English traveller wrote in 1833 that, in conversing with American men of business, he was struck by two things,—their willingness to stoop to anything for the sake of making money, and their avowed approval of such methods in others.‡ It is to be feared that there was some truth in this. I recollect meeting myself, in my youth, one who had been a New York merchant in those days, who told this story with great self-complacency. He had imported a cargo of almonds in bulk, and found no sale for them. One jobber said that, if they had only come from a certain Spanish port and been boxed, he should have been glad to take them. The importer at once hastened to a cigar-box manufacturer, and ordered a number of boxes of Spanish cedar, stamped

* American Museum, vol. vii., Appendix II., p. 14.

† Letters of an American Farmer, p. 129.

‡ Men and Manners in America, i. 124.

with the name of the port in question and of a fictitious house. On their delivery they were promptly filled from the hold, and the jobber called upon again by the merchant, with the information that he had a cargo now which he thought would suit him. It did suit him exactly, and the whole was sold. The trick evidently did not strike the merchant as anything but a proof of his business skill.

The wave of speculation and false financiering which broke in the commercial crisis of 1837 — first of a series of recurrent panics in the money market — rose in the same kind of business methods.

A high standard of morality may prevail in a very simple or in a very refined state of society. It is not apt to be found where a people are climbing from one of these to the other. } 

Americans in the first half of the nineteenth century, and particularly between 1820 and 1840, were in the position of a *nouveau riche*. Their new clothes did not set well. There was a certain coarseness in the national way of looking at things. We had lost or outworn some of our old ideals, and had put nothing in their place.

City life began to grow, and the new kind of civilization that comes from thus massing men together. The criminal classes multiplied.

Until the nineteenth century came in, the American seldom locked his doors by night, and never by day.* My own boyhood was spent in a city of over twenty thousand inhabitants. Our house was near its centre, standing a few feet back from the street. As late as 1855 my father, following the manner of his youth, was accustomed on Sundays to lock up the house, as the family left it to go to church, and put the key under the door-mat. His own office, which contained a valuable law library, when he left it every day for dinner at one o'clock, he never locked at all. I am told that at Honolulu they still live in this trustful way. Let us hope that annexation may not bring it to an untimely end.

Three causes existed for this confidence on the part of our predecessors in their fellow-men: there was less to steal, there were fewer thieves, and whatever was stolen it was harder to get away with. There was no crowd into which the criminal could disappear. There was no railroad train on which to escape, no great

*"Letters of an American Farmer," p. 67; Dwight's "Travels in New England and New York," i. 172.

city in which, if once reached, he was lost to view. There were no tramps then. Every man had a local habitation and a name.

Amusements began to assume a new prominence after the nineteenth century had fully opened, particularly those which brought some excitement with them. There was more gambling and betting, more horse-races and prize-fights. From making money freely we turned to spending it freely.

The Northern colonists at first had few amusements of any sort, and had leisure for few. Later dancing came in. Public balls were common in city and country at the beginning of this century,* and were occasionally given in New England in connection with the gathering at a minister's ordination. They were also a feature of the college commencements.†

The theatre appeared early in the South, but it was excluded by law from New England until that at Boston was chartered a hundred years ago. Some years previously, however, a few of the standard plays, such as the "School for Scandal," had been performed there under the innocent name of "moral lectures," though the practice had been finally broken up by the arrest of the lecturers while on the stage.‡

Cards have really never been a household game in New England until the latter part of the nineteenth century; but this was a provincial peculiarity.

Americans, taken as a whole, have always paid less attention to mere recreation and amusements than has been customary in other countries; and, as time has gone on, those most in favor have been the healthful and innocent.

Gambling was never as infrequent among us as during the last quarter of a century. It is a vice which naturally springs up on the frontier or in the camp, or, indeed, wherever men are thrown closely together and at the same time deprived of the attractions of female society. It was long the bane of Washington, but has gradually retreated to the ocean steamer and the summer watering-place, or to the States of perpetual summer, where, in a climate that excludes the excitement of outdoor sports, resort is still often had to that of the gaming-table.

Perhaps the ladies have met it half-way by their plan of playing

* S. G. Goodrich's "Recollections," i. 87.

† *Papers of the New Haven Colony Historical Society*, iv. 204.

‡ *Life of Josiah Quincy*, p. 40.

cards for prizes between those who put in a dime or a quarter apiece with which to buy them. It is not a matter of satisfaction that what is virtually the old English custom of playing whist for shilling points has thus at last crossed the Atlantic. The women will not push it farther: the men may.

Betting on horse-races and boat-races, boxing-matches, and similar competitions, has become mainly confined to young men who have little to lose and to a narrow circle of the leisured class. Of late years it has threatened to make dangerous advances among the poor under the name of "policy-playing"; but repressive legislation has met it wherever it has shown its face, and generally with success.

Cock-fighting was, during the latter half of the eighteenth century, a favorite sport throughout the South; and among the poor whites and negroes boxing-matches, which ended in gouging out the eyes of one of the combatants, were not infrequent in the Carolinas and Georgia.* In the general advance in the humanities of life, these have for the most part disappeared.

The dangerous fascination of the lottery, in which it was common to indulge during the first two centuries of American life, has now been everywhere withdrawn by force of law. 

The Virginia Company had authority by charter to grant lotteries, and raised nearly £29,000 by one about 1612, to aid the colonists, who were then in a suffering condition. This, however, was an English lottery, though for an American object. The first drawn in this country was a kind of raffle for a house in Philadelphia. It took place in 1720, and was followed by so many and with such evil consequences that the Pennsylvania legislature in 1729 forbade any for which a special license was not given. In 1744 Massachusetts authorized a lottery to raise money for the expenses of the government, and it may be said that for about a hundred years after 1730, there were few of the colonies and States that did not occasionally resort to this device to help on public objects of one kind and another. Churches, colleges, schools, roads, bridges, and other public works, all from time to time received aid from this source of supply.† The loan obtained by John Adams at Amsterdam for the United States, in 1784, was floated by aid of a lottery bonus of over 30 per cent.‡ There was also in colonial days a large sale of English lottery tickets in

*Morse's "American Geography," ed. 1792, pp. 390, 418.

†Annual Report of American Historical Association for 1892, pp. 174, 178. ‡Ibid., p. 182.

America, embracing at the time of the beginning of the movement toward independence an eighth part of all that were issued.*

In 1830 the grand jury of the city of New York made a presentment of lotteries as fostering a spirit of gambling, productive of idleness, and ruinous to credit and character. In 1832 over four hundred were drawn in different parts of the United States, offering tickets costing in all over \$53,000,000.† State after State now withdrew from sanctioning the practice, Louisiana, the last to retain it, having abandoned it but a few years since. In a large majority of the States, constitutional prohibitions have also been adopted. Congress in 1890 forbade the use of the mails for promoting lottery enterprises; and a New York banker was convicted under this Act‡ for circulating proposals for a loan by the Austrian government quite similar in principle to that which we were glad to negotiate in Holland in 1784.

That we should have tried the lottery was inevitable. That we have so emphatically pronounced against it, after trial, is another proof of that sound sense which underlies sound morals and is their strong support.

And what has been our course in regard to those pleasures of the senses which so easily shade off into vice and misery?

In no great country of Christendom has the use of intoxicating liquors ever been so restricted as it is here to-day.

At first we had few of the richer classes, who find the social glass a pleasant aid to pass the time, and few of the poorer classes, who drink to drown their misery. The early colonists in New England used ale with some freedom. Those south of it added wine and spirits, but seldom took them to excess. During the civil war a New England clergyman returned to share the fortunes of the revolution, and, in preaching before Parliament, said, "I have lived in a country where in seven years I never saw a beggar, nor heard an oath, nor looked upon a drunkard."§ Early in the next century (1710) Governor Spotswood, of Virginia, wrote of his province in a similar way to the Bishop of London: "I have observed here less Swearing and Prophaneness, less Drunkenness and Debauchery, less uncharitable feuds and animosities, and less knaveries and Villanys than in any part of the world where my Lot has been." ||

* Annual Register for 1769, p. 155.

† Annual Report of American Historical Association for 1892, pp. 177, 190.

‡ Horner v. United States, 147 U. S. Law Reports, 449.

§ Mather's "Magnalia," i. 92. || Winsor's History of America, iii. 148, note.

The first Connecticut code (1650) forbade innkeepers to allow any one to drink more than half a pint of wine at one time, "or to continue tippling above the space of halfe an houre, or at unseasonable times, as after nine of the clock at night";* and a few years later it was enacted that any person found drunk in a private house should be fined twenty shillings, and the owner of the house ten more, and that no corn or malt whatever should be distilled.†

Among the second and third generation in New England the pleasures of the table began to assume a larger place. In 1679 the practice of drinking healths had become so common there that the Synod of Boston formally protested against it.‡ In Connecticut the way of living continued simpler and stricter, and a man was spoken of sneeringly who loved his bottle.§

Cotton Mather said, in one of the "week-day lectures" given in 1698, that the number of drinking-houses in Boston, then a town of seven thousand inhabitants, was enormous,|| and that the beggars and the idle poor had "shamefully"¶ increased. He then quoted the passage which I have cited from the sermon preached at London as to the country where drunkenness was unknown, and said: "Shall I tell you where that Utopia was? 'Twas New England. But those that go from hence must now tell a different story."** The cause of temperance continued to decline in Massachusetts, and by the middle of the last century drunkenness had become a common vice. John Adams, in his early days, engaged in a movement to reduce the number of dram-shops, which met with a temporary success; but they soon multiplied again under the influences of the French war and the Revolution.††

In the Southern colonies, as the people became prosperous, their cellars were well stocked and hospitably used.

A European visitor in Virginia, shortly before the Revolution, asked one day with all seriousness how much water cost there, and, when the reply was, "the trouble of going to the well," said

*Connecticut Colonial Records, i. 533.

† Ibid.

‡ Mather's "Magnalia," ii. 276.

§ See letter of Samuel Willis to Governor Winthrop, of Dec. 25, 1697, in Massachusetts Historical Society Collections, 6th Series, iii. 31.

|| Magnalia, i. 92.

¶ Ibid., i. 94. The next year an act was passed to establish workhouses in every county for rogues, vagabonds, and beggars.

** Ibid.

†† Life and Works of John Adams, ix. 637.

that he had supposed liquor must be cheaper, since he could never get a glass at table without the greatest difficulty, while those who called for wine, cider, beer, grog, or toddy, were served at once. Mazzei, coming there from Italy, was the guest of honor at a large dinner party at Norfolk in 1774, and asked a waiter to bring him a glass of water. The servants were at once thrown into confusion, and no water appeared. The host then whispered in his ear with a smile, "Is there nothing else you could drink? for your unexpected request has really turned my whole household upside down." *

In all our larger cities the saloon now began to take its permanent place; and, as they were all seaports, the number was naturally large. New York in 1808 contained about fourteen thousand inhabitants, and held seventeen hundred licensed places for selling intoxicating liquors.† Convivial indulgence in their use at private tables and in social intercourse between meals was the rule among the well-to-do classes throughout the country during most of the eighteenth century and the early part of the nineteenth.‡ There was no sideboard without its decanter, and no caller was received without being invited to take a glass of wine.

Excess was the natural result, and there was for a time real danger that drunkenness would become a national disease.§ The very funerals were followed by a return to the house for a glass of wine and a pipe, which often ended in scenes of intoxication.||

The American Temperance Society was organized in 1826. In ten years it was followed by twenty-three State societies (and we then had but twenty-five States) and eight thousand of a local character, containing in all a million and a half of members; and among the results of the movement had been the closing of four thousand distilleries and eight thousand drinking-saloons.¶

Notwithstanding this, however, the rapid increase of wealth and luxury throughout the Eastern States made the use of liquor at the table or on the sideboard still the rule. The ministers at ordaining councils had their punch and pipes, provided by the church. The judges, after court, had their punch-bowl, too, pro-

* Mazzei's "Recherches," iii. 201.

† Sermon of Rev. Ebenezer Porter on "The Fatal Effects of Ardent Spirits," Hartford, 1811, p. 18, note.

‡ Dwight's "Travels in New England and New York," iv. 353.

§ Adams's History of the United States, i. 47.

|| New Haven Colony Historical Society Papers, iv. 196, 198, 199, 200; Morse's "American Geography," ed. of 1792, p. 433.

¶ Chevalier's "Lettres sur l'Amérique du Nord," i. 389.

vided by the State and taxed in the bill of costs. In 1833 one of the leading hotels in New York (Bunker's) had no other place for gentlemen to sit than its bar-room; and on its *table d'hôte* dinner-table, at regular intervals, appeared bottles of brandy, as part of the regular provision for the guests.*

It took Father Mathew to put the temperance cause in the United States on a sound and stable footing. Since his day, or for the last half-century, there has been a marked reversion toward the old-time standards of conduct. There are few houses in which the decanter is produced for every casual caller, and many in which liquors are never seen. More beer is drunk than wine; more wine, except among the very poorest, than spirits; and there is no deadly tipping of *liqueurs* at the tables of a *café*. Tea, coffee, and lemonade are in no other country in such general use.†

Prohibition has been tried, and found wanting; but local option, Sunday-closing laws, and sounder rules of private manners have taken a firm and settled place. Temperance was once used to denote total abstinence. The use of the word has now reverted to its proper meaning, and by moderation in the use of liquors the American people has come to deserve the name of a temperate people.

The opium habit has occasionally gained an isolated victory. In the last century it may be said to have attacked one whole settlement,—that of Nantucket.‡ But there it was a passing incident; and it is only among our Chinese residents—who are with us, but not of us—that it can be said to have obtained any considerable strength.

Licentiousness, on its return with Charles II. to England, soon reached the American colonies. In Cotton Mather's eulogy on Sir William Phipps, written in 1697, he alluded to his chastity as something "which the prodigious depravation brought by the late reigns upon the manners of the nation has made worthy to be mentioned as a virtue somewhat extraordinary."§

Americans, sheltered by the republican safeguard of equality of social conditions,|| never fell in this matter to the European level.

* Men and Manners in America, i. 42.

† It appeared a few years ago, in testimony in court, that \$10,000 a year was paid for the privilege of selling lemonade at Barnum's circus.

‡ Letters of an American Farmer, p. 133.

§ Magnalia, i. 200.

|| De Tocqueville's "Democracy in America," ii., Chap. XI.

The bitterest satirist could not have said that marriage was ever to them what Sophie Arnauld said it became to her countrymen in the eighteenth century, "the sacrament of adultery." Of the Revolutionary soldiers and statesmen, however, who came in close contact with the French, there were many who soon came to share their way of thinking as to female virtue. The shortcomings, in this respect, of a few public men of the day are known to all, at least in part. It is well that it should not be known to all how deep several of them sank in the betrayal of the confidence in which they had been welcomed into hospitable homes.

The factory system opened one of the first new business fields for American women. It also presented an obvious occasion for apprehension as to the effect of the new life on the morals of those who were to share it together.

In many families the daughters had previously worked part of their time at manufacturing processes in their own houses. Now they were able to spend their whole time in this way, but away from the protection of the household. Towns like Lowell and Lawrence were to be built up, consisting of little but great mills and great boarding-houses, one row for young men and another row for young women. Here was a test of the severest character of the virtue of American girls. They met it well. Several years after one of the large mills of Lowell was set up, the superintendent was able to say that there had been but three instances where a shop-girl had been led astray; and in each such reparation as there could be had been made by marriage.*

A similar trial has been involved in the establishment of college "co-education," and with much the same results,—rare delinquencies and general morality.

The Lowell shop-girls of sixty years ago were, indeed, not very unlike the college girls of to-day. They left home for a few years only to earn their dowry or to help a brother to an education. They have been succeeded by a regular class of female operatives who spend their lives at the mill. To these the temptations to irregularity of life are greater, the restraints less. It must be owned that a woman thus employed often becomes roughened in character, that she sometimes hears coarse language, and sometimes uses it; but lower than that they seldom fall.†

One class of our working-women has in time past suffered

* Chevalier's "Lettres sur l'Amérique du Nord," i. 397.

† See this subject discussed in "Certain Dangerous Tendencies of American Life," p. 164.

greatly at the hands of American men. I refer to the slaves of the South. Their masters and their masters' sons often used with them more than the license of the mediæval landlord with his tenantry.* It was part of the curse of a system that belonged to a past generation; but the laxity of morals which characterized it took hold of its victims, and has gone far through them to infect the whole colored race in the Southern States.

For the purity of woman in America where slavery did not exist, and of the white woman where it did, as well as its correlates, the promotion of marriage and the sanctity of marriage, we owe much to the teachings of the Roman Catholic Church, to which in all our cities and manufacturing towns so large a portion of our working people now belong.

Free love, under any form, though it be that of religion, is foreign to American civilization. The polygamy of Mormonism only gained a foothold by a political accident. Its disciples, while their temple was at Nauvoo, had the good fortune to be inhabitants of a State in which the people were nearly equally divided between the two great parties of the day. The Mormons were thus able to hold the balance of power, and the influence on legislation that always goes with it.† The destruction of their temple followed a change in political conditions, and the whole force of the United States was used to crush out the power of their church at its final seat in Utah.

The factory system, coupled with the swifter movement of life in and radiating from an ever-increasing number of thickly populated communities, has wrought one unfavorable change in the economic habits of our people. Prudence in family expenditures was once an American virtue. It was every man's ambition to lay up something for old age or to constitute an active capital. This has largely passed away, except in thinly settled agricultural districts. The ordinary workingman owns little besides his household furniture, and saves nothing but what is necessary to pay the dues and assessments of his benefit society. Life insurance and accident insurance serve as the protection of other classes, and absorb what they might otherwise lay up.

Dr. Johnson once said that it was not worth while for ordinary men to struggle to save twenty pounds a year. If they could not

* Morse's "American Geography," ed. of 1792, p. 65.

† Autobiography of Peter Cartwright, London ed., p. 201.

put aside enough to raise themselves to a higher situation in life, they had better have the satisfaction of spending all they earned for their own enjoyment. Such was not the opinion of the American of his day, but it is becoming that of the American of ours.

Nor do we all stop at this limit. We are too apt, especially in our cities and villages, to live in debt for the current expenses of our households. We are inclined to spend faster than we earn, and to trust to good luck to square the final account. How many men who work for day's wages, in hiring a house or tenement, consider how the rent is to be met if their employment should unexpectedly cease even for a few weeks in the year? And how many, if they run behind in their account with the landlord, and are turned out of possession, ever think of paying up the arrears, should they subsequently have the means to do so?

Legislation, in this respect, has now been for a century and a half mainly on the debtor's side. The process of the courts cannot reach such of his property as is necessary for the comfort of his life, and in some States this exemption may cover a homestead of considerable value. This is partly due to the fact that the debtor class is the more numerous, and casts the heaviest vote; but its deepest causes have been a growing sentiment of humanity, and a higher sense of the worth and dignity of human life.

These have served to protect the criminal from any barbarous punishments, such as were common in England and all her colonies during the first half of American history, and to give him opportunities of reformation. Their reflected influence is also seen in our laws against cruelty to animals, and our charitable foundations for their benefit.

It must, however, be considered an American fault that in many States human life is still held too cheap. This is chiefly true of the South-west and the mining States, where society is still in the rough, and personal altercations common in every class.

The European remedy for an insult — the duel — failed to fasten itself upon America. It was never in vogue in New England. One was fought soon after its first settlement between a couple of negro servants, with swords;* and perhaps the unsuitability to their condition of such a mode of settling a quarrel made the ridiculous side of the practice so obvious as to discourage a resort

* "Observations on Emancipation and Colonization," by Ebenezer Baldwin, p. 32.

to it by those of a higher station. Only four other instances are reported.*

In most of the other colonies it was occasionally seen until the death of Hamilton, and in the Southern and Western States it survived to the Civil War.

In 1820 was the last duel between public characters in which any Northern man was engaged,—that fought between two members of Congress, Mr. Graves, of Kentucky, and Mr. Cilley, of New Hampshire, in which the latter fell. By Act of Congress, heavy penalties are now imposed upon duelling or arrangements for duelling at Washington,† or in the army or navy.‡

Dr. Johnson justified the custom, as to the party challenged, on the ground that it was an incident of the right of self-defence,§ and the general sentiment of Americans long tended in the same direction. It is a strong proof of our general advance in Christian civilization that in many of the States where it was formerly tolerated or approved the law now not only makes it criminal, but attaches to it such consequences of civic degradation that the shame, so far as the public voice can speak, has come to follow accepting, not refusing, a challenge.

What now has been our morality in dealing with the Indian problem?

The charters of the English colonies generally contained some such phrase as this, in describing the object of the settlement and the purposes to be arrived at in conducting the government: "whereby our said People, Inhabitants there, may be so religiously, peaceably, and civilly governed, as their good Life and orderly Conversation may win and invite the Nations of the Country to the Knowledge and Obedience of the only true God and the Saviour of Mankind and the Christian Faith, which, in our Royal Intentions, and the Adventurers free Profession, is the only and principal End of this Plantation." || The seal of that of Massachusetts Bay bore the device of an Indian, with the legend issuing from his mouth, "Come over and help us."

At the first session of the General Assembly of Virginia, in 1619, an Act was passed requiring each settlement to give education and

* Dwight's "Travels in New England and New York," i. 172, 511; iv. 334.

† Revised Statutes of the District of Columbia, § 1164.

‡ United States Articles of War, 26, 27. § Boswell's "Johnson," ii. 236.

|| Connecticut Charter, Poore's "Charters and Constitutions," i. 255; Virginia Charter, *Ibid.*, ii. 1888.

religious instruction to the Indian children;* but this was a piece of perfunctory legislation to satisfy the terms of the charter, and no such schools were, in fact, set up. Roman Catholic missionaries in other colonies, particularly those of France, were really the first to introduce Christianity among the natives; and no one can praise too highly the ardor and daring with which they carried on their conscientious and untiring efforts in this direction. Wisconsin has done well in sending a statue of Father Marquette to represent her founders in the galleries of the Capitol at Washington. The Jesuits in Maryland established several stations there for the benefit of the Indians before 1640, and met with considerable success.† Their work later in Maine was frankly recognized by the New England clergy of the time. Dr. Colman, the leading minister of his day in Boston, wrote in 1732 to Father Lauvariat, then laboring among the Penobscot Indians on Georges River, in the most friendly way, saying that his zeal and assiduity merited the highest praise, and specially commended his endeavors to check the drinking habits, remarking (their correspondence was in Latin), "*Barbari sane satis isti sunt, et stupidi, sine Potationibus.*"‡

The Plymouth Pilgrims gave some faint impressions of what Christianity was to a few individuals among the Indians; but nothing substantial was, or indeed could be, done until their language had been acquired.

The first Bible printed in America was the Indian Bible of John Eliot of Massachusetts; and soon after 1640 he commenced his active ministry among the natives, in which he soon had followers in Connecticut and associates in his own colony. A law was passed there in 1644 that the County Court in each county should "take care" that the Indians living there should be civilized, and "have power to take order from time to time to have them instructed in the knowledge and worship of God."§ This was always Eliot's principle of action,—to civilize first and Christianize afterward. By 1687 there were twenty-four Indian churches in Massachusetts, and as many native preachers.|| The Dutch also organized an Indian church near Albany in 1694.¶

The Indians did not take very kindly to the Calvinistic theology which was fed out to them.

One of the first doctrines brought forward was that of the lost

* Winsor's "Narrative and Critical History of America," iii. 143.

† Ibid., iii. 531.

‡ Colman's "Life and Parables," p. 65.

§ Palfrey's History of New England, ii. 188.

|| Mather's "Magnalia," i. 509.

¶ Ibid., ii. 882.

estate of mankind, and the certainty of eternal condemnation to those who were not saved through baptism and faith in Christ. "How can this be true," was the reply, "when you have been among us for twenty-six summers without ever before saying a word of it?" *

A still sharper reply came from the Conestoga Indians, upon whom a Swedish missionary urged the same teachings in 1710. "Your Bible," said one of the chiefs, "contains a revelation only for those who have it; and the Almighty cannot have concealed these truths from so many nations, if it had been so important that all should know of them. To argue that he could not have made them known in any other way than by this one book is to contradict his omnipotence; and, if that be granted, not to communicate them to all men would be an inconceivable injustice." †

Dr. Johnson, always unfriendly to the Americans, did not fail to make his caustic comment upon their seeming tardiness of missionary zeal.

"To omit," he wrote in 1766, "for a year or for a day the most efficacious method of advancing Christianity, in compliance with any purposes that terminate on this side of the grave, is a crime of which I know not that the world has yet had an example, except in the practice of the planters of America, a race of mortals whom, I suppose, no other man wishes to resemble." ‡

The slight attention which the colonists gave to the instruction of the natives, either in the arts of civilized society or the truths of religion, was largely attributable to the traits of the Indian character. They had their own ideals, and they preferred to adhere to them.

A few were educated at the North during the first century of the English settlements, but to little profit. In 1744 the colony of Virginia concluded a treaty at Lancaster with the Six Nations. The commissioners during the negotiations stated that there was a fund for the education of Indian youth at the College of William and Mary, and that, if the chiefs would send six boys there, the State would see that they were well instructed in all the sciences known to the white man. In accordance with Indian custom an answer to this proposition was deferred until the following day. The Indian orator then thanked them for their friendly offer, but said that no two races of men had quite the same ideas as to the

* Mazzei's "Recherches," iii. 166.

† Ibid., iii. 168.

‡ Boswell's Life, 112.

same things. "Many of our sons," he continued, "have been in former years educated at Northern colleges; but, when they returned to us, they were bad runners, they could not bear cold and hunger, they could not build a wigwam or kill an enemy, they spoke our language ill,—in a word, they were good for nothing, either as warriors, hunters, or at the council fire. We appreciate your kind intentions, though we cannot avail ourselves of your goodness; and, to prove it, if you will send us twice the number you mention of your sons, we will spare no pains to rear them well, to teach them all we know, and to return them men." *

It is also true that Indian sagacity was not slow to discover that the ethical teachings and practice of the Christian missionary were not always on the highest plane.

One of those sent by the French, whose field was in the interior, kept a journal containing cases of conscience which had been referred to him by his converts, and the advice which he had thought it proper to give. One was "whether an Indian stealing a hatchet from a Dutchman be bound to make restitution." The Dutch claim to New York, you will recollect, was not relished by France any more than by England. The determination was "that, if the Dutchman be one that has used any trade with other Indians, the thief is not bound to any restitution; for it is certain he gains more by such a trade than the value of many hatchets in a year." †

The story may be matched by one which Cotton Mather relates of an Indian executed in Massachusetts for murder in 1694. The minister who was called in to prepare him for his end found that he knew little or nothing of the principles of Christianity. How is this? he asked. It was preached where you live. "Yes," replied the poor fellow; "and I began to go to hear the missionary, but gave it up when I observed how he lived himself. He minded his bottle more than his Bible; and, when his rum was in him, he would quarrel with everybody."

The drinking habits of the early colonists, and the fire-water which they gave or sold to the natives, were, indeed, more than a set-off against any help they gave them in the direction of civilization, or, it is to be feared, of knowledge of religious truth.

I do not think that the Americans, as a people, can fairly be charged with any lack of morality in their general course of dealing with the Indians, from the beginning to this day. They

* Mazzei's "Recherches," iii. 173; Franklin's Works, ii. 462.

† Mather's "Magnalia," i. 522.

bought their land instead of seizing it, they offered them education, they built them churches. They were the stronger and the wiser, and the weaker race has fallen away before them. That was inevitable. When struck at, they struck back, and struck to kill and destroy; and that, too, was inevitable. The Indian was not made for civilization. It is unfriendly to some of his noblest traits. His life, to be true, must be free and unconfined,—a life of the woods. His race must pass, as the beasts of prey whom his ancestors once hunted here have passed.

There have been many, too many, occasions in which Indians have been cheated, abused, and betrayed by white men,—a few in which such acts have been chargeable against the government of a State or of the United States. Our national dealings with them have been described by an earnest and brilliant writer in a volume which she named a "Century of Dishonor." But the wrongs she tells of are largely seeming rather than real, unwitting rather than premeditated. As a people, we have meant well by them; and, generally, we have done well by them.

Would that we could say the same of our dealings with the negro!

Tobacco is probably responsible for the introduction of slavery.* Its cultivation was first attempted systematically in Virginia in 1612, and soon became its main industry. Cheap labor was wanted to make it profitable, and that seemed cheapest which could be bought at £20 a head. The first lot purchased came from a Dutch man-of-war in 1619,† and the next from a Bristol trader.

We must not forget that not only was the slave-trade a lawful one by the law of nations throughout the eighteenth century, but that it had in times not very remote been held in honor. John Hawkins, one of the Elizabethan captains of the sea, who had prosecuted it with great success, won from the queen in recognition of these services, and proudly used, a coat-of-arms the crest of which was a "negro's head, proper, chained."‡

It was, however, in the next century, felt in Virginia to be tainted with inhumanity. Repeated acts of her legislature were passed to discourage it,§ and shortly before the Revolution one

* Winsor's "Narrative and Critical History of America," iii. 139.

† Ibid., 143.

‡ Motley's History of the United Netherlands, ii. 101.

§ Mazzei's "Recherches sur les États-Unis," ii. 14, note.

was adopted to prohibit it altogether. The royal governor refused his assent, under instructions from the home government. The House of Burgesses then, in 1772, unanimously adopted a formal address to George III., setting forth the inhumanity of the slave-trade, and that it greatly retarded the settlement of the colonies with more useful inhabitants, and asking that the governor be left free to act as he thought best in the matter. The appeal was fruitless; and in the first draft of the Declaration of Independence Jefferson included a summing-up of these proceedings as one of the grievances which warranted the Revolution, though it was finally struck out, lest it should be a cause of disagreement between the delegates.

This action of the English government was dictated by a desire to promote the interests of the African Company, one of the few chartered trading companies of that day, and in which several men of rank and influence had large pecuniary interests, the Duke of Chandos being for some years at its head. England forced the slave-trade upon America in the eighteenth century, just as in this she forced the opium trade upon China. Both were profitable to English merchants, and that was enough. It is a matter of satisfaction that the standards of English diplomacy have now been advanced so far that one is startled to read of this Chinese incident as belonging to the Victorian age.

Georgia was for a time more fortunate than Virginia. A regulation of her trustees, made in 1734, received the assent of Parliament, which prohibited the importation either of slaves or ardent spirits. It was, however, repealed within twenty years, and with the approval of George Whitefield, the great missionary preacher of the day, who maintained that it was a humane thing to bring the heathen here where they could be civilized and Christianized.*

One of the earliest and most daring resolutions of the Continental Congress, preceding by some months the Declaration of Independence, was that "no slaves be imported into any of the Thirteen United Colonies."† An anonymous appeal was soon afterward presented to them through the press, commending this action, and urging that consistency required them to go forward and ask the States to take action toward abolishing slavery itself. This was contained in a spirited address, supported by a "Dialogue concerning the Slavery of the African," both of which were published at Norwich, Connecticut, early in 1776.

* Winsor's "Narrative and Critical History of America," v. 387.

† American Archives, 1776, iii. 11.

A warm address to all the inhabitants of the British colonies on the sin of "slave-keeping" had been published anonymously in New York in 1773. "Ye advocates for American liberty," it said, "rouse up, and espouse the cause of Humanity and general Liberty. . . . Ye ministers of the Gospel, . . . in vain will you command your flocks to offer up the incense of faith and charity, while they continue to mingle the sweat and blood of negro slaves with their sacrifices. . . . Put them in mind of the rod which was held over them a few years ago in the Stamp and Revenue Acts. Remember that national crimes require national punishments; and, without declaring what punishment awakes this evil, you may venture to assure them that it cannot pass with impunity, unless God shall cease to be just or merciful."

Jefferson was imbued with the same ideas. Virginia had abolished the slave-trade almost as soon as she asserted her independence. In 1777 he proposed, but failed to carry, in the Virginia legislature a plan of gradual emancipation. In his "Notes on Virginia,"* he wrote in the same spirit and without reserve: "I tremble," he said, "for my country, when I reflect that God is just"; and, looking forward to the chance of a servile insurrection, he added, "The Almighty has no attribute which can take side with us in such a contest."

There had been, in the first half of the eighteenth century, two such insurrections in South Carolina,† and as many in New York. During one of the latter, and after its close (in 1741), a hundred negroes were arrested for complicity in it; and prosecutions followed, resulting in burning thirteen of them alive in the city of New York and hanging eighteen more.‡

The negro at the North had been, with rare exceptions, humanely treated.§ He was better fed and housed than a quarter of the whites.|| No instances are reported of extreme barbarity such as even then occasionally disgraced the South. General public sentiment in both sections of the country alike accepted the morality of slavery down to about the era of the New York insurrections and executions. These, followed by the free spirit of inquiry which preceded and accompanied the Révolution, upsetting, as it did, many theories previously accepted both in government

* Pages 129, 237.

† Holmes's "American Annals," ii. 1, 25, 146.

‡ Wendell Phillips's "Review of Webster's Seventh of March Speech," p. 20, note; Winsor's "Narrative and Critical History of America," v. 201.

§ Letters of an American Farmer, pp. 146, 154.

|| Rev. Dr. Dana's "Discourse on the African Slave-trade," 1790, p. 31.

and religion, began to open the eyes of the Northern leaders of public thought. The fall of Calvinism as a living belief precipitated the fall of Northern slavery. The only moral argument in its favor perished when men ceased to feel that the unbaptized and unconverted heathen were inexorably predestined to pass at death into eternal misery among lost souls.

The slave-trade had been largely conducted in Northern ships. Dr. Samuel Hopkins was one of the first to attack it where it was strongest. Coming in 1770 to Newport, where it formed a principal branch of the traffic of the place,* he preached against its iniquity with all the boldness and power that characterized his singular philosophy of Christian doctrine; and in 1774 the Assembly of that State passed an act for its prohibition, so far as her own markets were concerned, though vessels sailing from Newport were engaged in the business as late as 1791.†

In Massachusetts the courts came to the negroes' aid in 1783, and held that the sonorous words of her constitution, proclaiming that all men are born free and equal and with an inalienable right to liberty, meant all men, and had of themselves put an end to slavery upon her soil. The other Northern States, in steady though slow succession, passed laws of gradual emancipation. So late, however, as the census of 1790, New York had nearly as many slaves as Georgia, and New Jersey as Kentucky.

Virginia was still the great slave-holding State, having nearly half the slaves of the whole country. Jefferson had manfully maintained his struggle against the system, but with slight success. In 1784 he proposed in the Congress of the Confederation that there should be no slavery in any of our Western Territories after 1800, but without avail; and when North Carolina ceded her claims to it, in 1790, it was under the condition "that no regulation made or to be made shall tend to emancipate slaves." The ordinance of 1787, for the government of the North-western Territory, happily spoke as to that in a very different language; and in the Constitution of the United States, framed the next year, the Northern delegates succeeded, at least, in excluding all reference to slavery by name.

William Pinkney in 1789 attacked slavery in the Maryland House of Representatives in a speech of great vigor, which was followed in the fall of the same year by the organization of the

* Channing's Lenox Address of 1842, on "Emancipation in the West Indies."

† American Museum, vol. ix., Appendix III., p. 39.

"Maryland Society for promoting the Abolition of Slavery and for the Relief of Free Negroes and Others unlawfully held in Bondage." Its constitution, after premising "that the present attention of Europe and America to slavery seems to constitute that crisis, in the minds of men, when the united endeavors of a few may greatly influence the public opinion," boldly asserted that "the human race, however varied in color or intellects, are all justly entitled to liberty; and it is the duty and the interest of nations and individuals enjoying every blessing of freedom to remove this dishonor of the Christian character from amongst them."* Among the original officers were Justice Samuel Chase, of the Supreme Court of the United States, and Luther Martin.

Similar societies were to be found, by the close of the eighteenth century, not only in most of the Northern States, but in Delaware and Virginia. They aimed only at promoting a public sentiment adverse to the continuance of slavery, and urging legislation in the several States in the direction of its gradual extinction, and by Congress to prevent Americans from engaging in the slave-trade.

Organizations of a very different character soon succeeded these. The Southern societies languished and died. At the North the new school of Abolitionists sought to achieve their object by political compulsion. In 1839 there were about seven thousand such men. By 1843 the number had increased five-fold, and a national convention was held at Buffalo by which nominations were made for President and Vice-President of the United States. A manifesto was prepared and published at this time, as their party platform, which shows a curious confusion of moral ideas, not seldom observed when good men combine to put down evil by questionable means. It reads thus:—

Whereas the Constitution of these United States is a series of agreements, covenants, or contracts between the people of the United States, each with all and all with each; and whereas it is a principle of universal morality that the moral laws of the Creator are paramount to all human laws, or, in the language of the Apostle, that "we ought to obey God rather than men"; and whereas the third clause of the second section of the fourth article of the Constitution of the United States—when construed as providing for the surrender of a fugitive slave—does "rest upon such a basis," in that it is a contract to rob a man of a natural right,—namely, his natural right to his own liberty,—and is, therefore, absolutely void,—

Therefore, Resolved, That we hereby give it to be distinctly understood, by

* American Museum, vol. viii., Appendix II., p. 6.

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this nation and the world, that, as Abolitionists, considering that the strength of our cause lies in its righteousness, and our hope for it in our conformity to the Laws of God and our respect for the Rights of Man, we owe it to the sovereign Ruler of the Universe as a proof of our allegiance to him, in all our civil relations and offices, whether as private citizens or as public functionaries sworn to support the Constitution of the United States, to regard and treat the third clause of the fourth article of that instrument, whenever applied to the case of a fugitive slave, as utterly null and void, and, consequently, as forming no part of the Constitution of the United States, whenever we are called upon, or sworn, to support it.*

The South had strong reasons for hesitating to initiate the policy of emancipation. On the moral side, her churches generally adhered still to the older theology, and regarded slavery as a means of salvation from hell. On the sentimental side, they felt with justice that most masters treated their slaves with humanity. On the business side, they saw that emancipation meant an immense pecuniary loss to a large class of the community. On the political side, they dreaded the creation of so overwhelming a body of freemen out of a race totally unused to self-control or independent industry.

A great object-lesson was given them by England. It is now sixty years since the final act of emancipation in the British West Indies. In four years eight hundred thousand slaves had been made free, and no political disturbances had followed. As Dr. Channing said in 1842, in the stirring address at Lenox, with which he closed his long and splendid services to the cause of American morals, the friends of freedom in the United States had been oppressed by a vague dread of the dangers of emancipation, but the lesson which England had now taught us was the safety of emancipation.

But, while it gave new strength to the anti-slavery movement in the North, that very accession of vigor in the attack made the South draw back and adopt a policy of repulsion. Partly, no doubt, this was due to a misunderstanding on each side of the motives of the other.

Throughout the first quarter of this century, and, to a considerable extent, throughout the first third of it, there had continued to be a strong and outspoken anti-slavery sentiment in the northern tier of the Southern States. Those on the coast had each prohibited the importation of slaves from abroad; † and there was no

* The Junius Tracts, No. V., New York, 1843.

† Virginia was the first State in the world to pass such a law.

serious opposition to the abolition of the slave-trade by the United States when the time arrived when the Constitution permitted Congress to act in 1808, though it must be owned that some of the Southern States had been preparing for it by active importations, and South Carolina, with that view, had repealed her law against the trade in 1803.* Indeed, the subsequent violations of the Act of Congress lay often at the door of the North. There were Boston merchants who were engaged in the slave-trade under Portuguese colors in 1809.†

In 1818 the Governor of Georgia, in a message to the legislature, declared that the importation of slaves into the State was becoming every day more common, adding, "and it is a lamentable fact that this abominable traffic has so many advocates among us that an informer, or even an officer who would perform his duty by attempting to enforce the law, is by many considered as an officious meddler, and treated with derision and contempt."‡

In 1820 participation by an American citizen in the slave-trade was made piracy by act of Congress; and our share in the traffic was never afterward a considerable one. Cargoes, however, were occasionally run in on foreign ships;§ and so many, even of religious life or profession, were ready to connive at it that, so late as 1858, the Rule of Discipline of the Methodist Episcopal Church, South, which forbade participation in the slave-trade, was expunged by an almost unanimous vote.||

In truth, if slavery were morally right, it is hard to say why the slave-trade was morally wrong.

The South was never unanimous on the slavery question. Many in private and a few in public were ready to avow this opposition to its continued maintenance. Ringing speeches in favor of gradual emancipation, or emancipation of those born after a certain year, were occasionally heard in Southern legislatures down to 1832. Charles James Faulkner in that year spoke for emancipation in the House of Burgesses in Virginia with the same plainness used forty years before by Pinkney in Maryland, and with almost equal fire.

The Northern Abolitionists, when they began to organize, from 1825 to 1840, for an active crusade, were incapable of appreciating

* Address of the Abolition American Convention at Philadelphia, 1796, pp. 4, 5.

† Second Annual Report of American Colonization Society, p. 113.

‡ Ibid., p. 95.

§ It has been estimated that two hundred and fifty thousand blacks were thus surreptitiously imported from 1808 to 1862. Annual Report of American Historical Association for 1890, p. 83.

|| Autobiography of Peter Cartwright, London ed., pp. 90, 210.

the value of such aid. They repelled it as half-hearted and Laodicean. As Dr. Bushnell plainly told them in 1839: * "The first sin of this organization was a sin of ill-manners. They did not go to work like Christian gentlemen. They went to work much as if they were going to drive the masters as they do their negroes."

They were a small body of extremists, unpopular at the North and abhorred by the South.

The first anti-slavery society in Boston, on the new plan of preparing for immediate abolition, was formed by only twelve men in 1831. Others followed, and the movement soon began to assume a national character. We must not forget that the generation then upon the stage at the North counted many among it who had been reared under the system of slavery, and had been themselves slave-holders or the sons of slave-holders. The colored population around them still had the failings and weaknesses that slavery brings. Ohio had, as late as 1834, a statute that excluded negroes as witnesses in any suit in which a citizen was interested. Connecticut the year before had enacted one prohibiting the instruction within its limits of any colored person not one of its inhabitants without the consent of the constables, justices of the peace, and selectmen of the town.† In Illinois marriages between whites and those of negro blood were not only declared void, but the parties contracting them were liable to whipping and imprisonment.

But no laws were needed for the negroes' degradation. The overwhelming sentiment of the community regarded them as an inferior race, of inferior morality.

It also deemed the question of emancipation no business of the North. The Constitution had not named slavery, but it had been so framed as to recognize and protect it as to every State in which it existed. There was no escape from the conclusion that it justified the fugitive slave laws which were passed from time to time, except in the doctrine that its provisions in that regard were nullified by a "higher law."

The Abolitionists of the Garrison school accepted the issue, and denounced the Constitution as "a covenant with death and an agreement with hell." This of itself served to cut them off from the law-abiding portion of the community. In several of the Northern States they soon found it difficult to find a place in

* Discourse on the Slavery Question, p. 7.

† See case of *Crandall v. The State*, 10 Conn. Law Reports, 339.

which to hold their public meetings. Owners of halls refused to let them for such a purpose. The Abolition Society of Pennsylvania met this embarrassment in 1838 by erecting a building of its own. Soon after its dedication a mob assembled, and set it on fire. The police made a feeble and ineffectual resistance, and the fire department hardly pretended to attempt to extinguish the conflagration.*

As the numbers of the abolition party grew in the North, the Southern legislatures anticipated every attack by stringent laws against so much as stating the case against slavery. A statute of Louisiana in 1844 provided :—

“If any person shall use any language, from the bar, bench, stage, or pulpit, or any other place, or hold any conversation having a tendency to promote discontent among free colored people, or insubordination among slaves, he may be imprisoned at hard labor, not less than three nor more than twenty-one years, or he may suffer death at the discretion of the court.”

To those pursuing, in the interests of humanity, a lofty purpose, unshared by the community at large and opposed to statute law but one thing is needed for ultimate success,—persecution. The murder of Lovejoy in Illinois, in 1837, had put a sacred seal upon the mission of the Abolitionists. A political accident gave them a representative in the Senate of the United States. The assault on Sumner, as he was sitting at his desk, by a Congressman from South Carolina, served greatly to draw New England sympathy about them. The enforcement of the Fugitive Slave Law of 1850, in Massachusetts and New York, added fuel to the fire. A party was formed to secure free soil for the Territories of the United States. The South had an instinctive feeling that it meant more, and drew together. It was in vain that the President declared in his inaugural address: “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.” It was in vain that Congress, with Lincoln’s full concurrence, proposed to the States, for ratification, a new article of the Constitution, providing that “no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or to interfere within any State, with the domestic institutions thereof, including that of persons

* Sargent’s “Public Men and Events,” ii. 60.

held to labor or service, by the laws of said State." Only three of the Northern States ratified it.*

It was true that the war was not begun, nor even waged, to suppress slavery. But it is true, also, that all men saw that the suppression of slavery might follow; and it is true that to many in the North it was a holy war from the outset, because they regarded it as a struggle for the freedom of every American, white or black.

So the destruction of the "Maine" was not the cause of our war with Spain, but it lay behind the cause. It waked the sentiment of vengeance, which had to be appeased. Popular feeling gives the life to war, and shapes its ends.

The North had convinced itself, I think, rightly, that it was not responsible for the sin of slavery; but it knew that slavery was sin. The South had convinced itself that slavery was an inheritance from the past for which the present generation was not responsible, that universal emancipation meant either anarchy or negro supremacy, and that the only rule of safety was to let things be. The conviction of the North was one of principle, that of the South one of expediency. The proclamation of emancipation was a military act; but it never would have been ratified by the people and incorporated in the Constitution of the United States, had it not appealed to their moral sense, nor, perhaps, would that have responded to the appeal, had it not been quickened and elevated by the labors of the Abolitionists through their various associations.

What Lieber called the "associative spirit" of the Anglo-Saxon has thrown the expression of American sentiments upon moral questions largely into the hands of societies and corporations. Some of them are purely of a benevolent nature: others put benevolence and business together.

Among the first of these was the Charitable Irish Society of Boston, founded in 1737, and that for promoting Industry and Frugality, organized there twelve years later.† In 1774 the Pennsylvania Abolition Society began the anti-slavery crusade. Early in the nineteenth century, several societies were organized in New England to promote a higher standard of popular morals.

* Annual Report of American Historical Association for 1896, ii. 196.

† Holmes's "American Annals," ii. 180. See Dwight's "Travels in New England and New York," iv. 390.

In Connecticut there was a State association of this kind, known as the Connecticut Society for the Promotion of Good Morals, which had a large and influential membership. In Portland, Maine, there was a local "Moral Society." One great object was like that of the Law and Order Leagues of the present day, to secure the faithful execution of the laws already existing for the protection of morals. Another was to advocate more stringent ones. In both a marked degree of success was soon attained, particularly in lessening the drink traffic.*

Associations like these are the work of men of ardent convictions and strong public spirit, animated by an earnest love for their country and their fellow-citizens. But such men are enthusiasts, and enthusiasm is not always wise or wisely directed. Every such association also has the inherent vice of irresponsibility. Their action—necessarily taken at brief and occasional meetings—is always inconsiderate, unless dominated and dictated by a few leaders who have agreed in advance how far it is safe to go, and are strong enough to enforce their decision upon their followers. "Truth," Dr. Bushnell once said, "is nowhere so loosely held or badly stated as you will find it in the resolutions of societies." 

The same vice inheres in the mutual aid organizations and granges which have come to embrace so large a portion of our population. They have their policies not always well matured, and they speak for all their members.

It is estimated † that five million of our people belong to secret associations of a fraternal character, and that there is paid out of their treasuries, every year, over \$940,000,000,—a sum greater than the highest value ever reached (that given by the last returns), vast as that is, of our exports of agricultural products. Many of these organizations are incorporated under the laws of the State in which they have their seat. For those reaching out into many States, which are of the form of trades-unions, incorporation is offered by an Act of Congress. All, whether chartered or not, proceed in the manner and with the power of corporate association.

In a certain measure all the organizations to which reference has been made substitute their own conscience for that of their individual members. There is a grave danger here. A collective morality which is not the sum of individual moralities is an unreal thing. A corporate conscience is tough.

* Sermon before the Connecticut Society, Oct. 16, 1816, by Rev. Noah Porter, p. 21.

† In the *North American Review* for May, 1897.

The movement known as Anti-Masonry, which followed the abduction of William Morgan in 1826, was an imposing evidence of the moral earnestness of our people. No society was more powerful than that which was attacked. Washington had been among its members. Its affiliations were world-wide. Its main objects were understood to be social and benevolent. But it was proved that at that time it made use of oaths imposing obligations which might conflict with those due to the State or even those imposed by the common rules of morality. A Mason of one of the higher degrees was thus bound to stand by a companion in distress, whether he be right or wrong, and to conceal his secrets given him in charge, as such, murder and treason not excepted; those of another, to avenge certain violations of the secrets of the lodge by the infliction of death on the offender. It was not asserted that the ordinary Mason assumed any such position; and one of these, William Wirt, was nominated in 1831 for the Presidency of the United States on the anti-Masonic platform. Only one State gave him the votes of its electors; but the result of the movement was to induce such a revision of the methods and rules of Masonry that it has since been seldom claimed that, if administered in their true spirit, they conflict in any way with the duty of the citizen.

The associative spirit has linked itself with the new economic conditions of the century by aggregating labor under the command of aggregated capital; and the industrial changes thus occasioned have had far-reaching effects upon the morals of the people. We have had a new thing to reckon with,—morals in the factory.

The history of not a few of our States during this century has been that of the transition of an agricultural people, scattered over small farms, to a manufacturing people, clustered in great towns. Such a process is always attended by great dangers, and with us these were doubled by the rapidity with which it has been accomplished.

It is necessarily a triumph of Collectivism over Individualism. It tends to lessen the sentiment of personal dignity, of self-reliance, of independence. It constitutes a society with fewer masters and more servants. It drives men, under the forces of steam and electricity, into becoming fellow-laborers with machines more powerful and skilful than they, which measure out to each

his work with a stern, unerring, inflexible monotony, which cannot but carry to the human toiler a certain feeling of subjection and depression.

Every such workshop is a school of fatalism. The sphinx of Ghizeh is not farther removed from human sympathy or the whole sphere of living things than the ponderous mechanism that, with every swing of the pendulum, silently thrusts forth its bit of wire with an inexorable demand for instant service.

He who spends his life by a factory bench, he whom we call an operative oftener than a man, is in grave danger of regarding himself as little but a mechanical appliance, and hardly thinking it worth while to strive to build up an individual character and reputation.

Temptations come to him that are unknown to the farmer, conspicuous in his isolated habitation and solitary toil. The personal life of the shop-hand, that gives him his place in the community, begins when the factory gate closes upon him as the sun goes down. He is like the beast of the forest that roams abroad only at night. His pleasures come to him indoors and by gas-light.

It is an artificial mode of existence. The farm laborer has poorer fare, worse shelter, less companionship; but he works with nature and in the open. He feels as he draws in the fresh air of the morning, and strikes his spade into the ground, that he is acting his part in the order of the universe as God made it. What he produces is, or may be, complete and perfect of its kind: the shop-hand turns out only perfect parts, which, to be worth anything, must be put with other parts, made by other hands.

This mutual dependence of the operatives in a factory, each useless without the rest, throws them naturally into combinations in trades-unions and lodge-rooms, and sets up a new ethical standard. It is that of their common opinion, manifested by a majority vote, or declared by officers whom they may have chosen to direct their affairs. This cannot but tend to lessen the sense of personal responsibility. A man who engages in a strike or boycott may not approve it. It is enough for him if it has been voted by the union. Or it may seem to him the only manly course; and yet, if the union votes to abandon it, he must submit.

His morality tends to reflect the collective morality of a class. It may be that the monotony of his daily toil, which leaves his mind untaxed, leaves it also, when the day is over, the more fresh and free to engage in the consideration of the real problems of

life, as he reads his evening newspaper or enters into the discussions of his union.* But he is not a unit of social, political, or moral power. He is one of a class in the factory. He is one of a class, and the same class, out of the factory.

And how have the factory system and those new methods that have grown up with it of concentrating trade at a few centres, and throwing the work of the world under the control of a few men, backed by the capital of many, massed in the keeping of corporations, acted upon the morals of the employer?

Is his fundamental rule that competition is the law of business, and that, when combination is possible, competition is impossible, ethically sound?

Fair competition on an equal field cannot be immoral. But is it right for the successful trader to drive a rival out of business by temporarily lowering his prices until he is ruined, and then restoring them to their old level? Is a condition of society accordant to morality, asks many a workingman, which is so arranged that the wealth of the entire community is sure to gravitate finally into the hands of a few, and the population to consist of a handful of millionaires among myriads of wage-earners, who are only one step above pauperism? This is the state to which the school represented by the *American Fabian* would have us believe our country is steadily advancing. Whether such may or may not be the tendency of things in other lands, where their institutions are intertwined with an hereditary aristocracy, such speculations have no place in the United States. Our deeply settled principles of liberty of contract, equal inheritance, and the prohibition of perpetuities in the interest of any private family, absolutely exclude them. Any man who looks around among his neighbors will see how seldom it is that the great-grandchildren of a rich man are rich themselves. Wealth may descend for two generations, growing less with each; but rarely, indeed, is it held by the third.

It was one of the early sayings of Carlyle that loyalty was the highest principle that unfolds itself in human nature, in a temporal and secular point of view; for it is the only enduring basis of civil society. He defined it as a feeling whereby those who are worthy are revered by those who are capable of reverence.†

* This view is ably presented by Starr Hoyt Nichols in an article on "Men and Machinery" in the *North American Review* for May, 1898.

† *History of Literature*, p. 70.

The moral tone of a nation is ordinarily high, if among a people of intelligence their civil rulers are their heroes. This is only possible where public opinion is simple, wholesome, generous, trustful. Washington was more deeply revered as President than he ever was as commander-in-chief of the army of the Revolution. Jefferson came next to him in the hearts of the people. They never forgot who wrote the Declaration of Independence. They felt that he believed in them. The third and last who has filled such a place in our country was Abraham Lincoln.

As against Washington, no sentiment of disloyalty can be said ever to have had any real existence. Jefferson was not so fortunate. His election to the Presidency was the fruit of a bitter contest,—bitterest at its very end. And, since his day, such has been the development of party machinery that to bespatter one set of public men with indiscriminating praise and another with indiscriminating abuse has become largely the work of political journals and political platforms. The habit has spread also through the whole community. We are slow to think well, swift to think evil, of the man against whom we cast our vote. From the President down to the constable and common councilman, we look at men in office through party spectacles.

Since the exposure of the Tweed ring in New York, through the efforts of the *New York Times* in 1871, the pessimistic view of municipal government, particularly in America, has become the prevailing one. The word "alderman" can hardly be mentioned by some of our reviewers without a sneer.

The municipal council of New York recently adopted an ordinance making it a criminal offence to swear or use vile language in the public streets or on any public conveyance. The question readily suggests itself whether it is a sign that profanity is increasing among the people or morality in boards of councilmen. One of the religious weeklies,* in alluding to this action, hinted at a third mode of explanation, and remarked that "a Tammany legislature concerned with the morals of men is a spectacle to make devils laugh and angels weep." I strongly deprecate criticisms like this, on the part of the press, of our modes of municipal government. It is doubly unfortunate when it comes from a journal which professes to speak for a religious denomination. We have no king on whose public acts it is inadmissible to reflect, and whom the people can regard as blameless for the errors of his ministers. The existence of Queen Victoria, of Emperor William,

*The *Boston Congregationalist* of July 28, 1898.

is a safeguard to the spirit of reverence and loyalty in their people. We in America, with our division and subdivision of government, may speak with disrespect of any who bear rule; and, therefore, after election day is over, we should speak with disrespect of none. During the canvass every candidate for office is on trial. After a new administration comes in, whether it be national, State, or municipal, it stands for the law; and in a republic the law is nothing unless the people hold it in reverence and respect. To obtain this, nothing is more helpful than a tolerant and charitable spirit on the part of those whose position makes them leaders of public opinion, imputing no bad motive for good acts. The want of it has from the first been a characteristic of New England, though it was once less necessary than now, because the methods of government were more summary and personal. Cotton Mather remarked strongly upon this fault, saying that New England had been always "a province very talkative and ingenious for the vilifying of its public servants."*

It is always easier to censure than to praise. The fault-finding habit, which so often destroys the peace of the family and drives love out of the home, is as immoral in a nation as in a household. It is perhaps more so; for it chills hero-worship, and we need that in every government to vivify and unify it.

This year has witnessed the death of the two greatest statesmen of the age,—Bismarck, the creator of the new German empire, and Gladstone, the creator of the new British republic. Each had played a great part in shaping the history of the century which gave them birth and which they so nearly outlived. Bismarck gave Germany universal suffrage. Gladstone gave England only household or tenant suffrage. Why did the imperialist go farther than the English parliamentarian? Because he was also building up and fortifying at new points the personal power of the sovereign. Gladstone could not suddenly introduce into a government, whose supreme authority was in the House of Commons, the principle of manhood suffrage, unless he, too, was ready to give the queen, or to restore to her, powers lost since the last reign of the Stuart dynasty.

Yet could or did the rank and file of the English people appreciate this difference between the policies of Gladstone and Bismarck? Or did they look simply at the extension of parliamentary suffrage by itself?

* *Magnalia*, i. 201.

The people, the whole people, cannot quickly apprehend the bearings of any complicated political problem. Their judgment is a woman's judgment,— apt to be right, but not because it has been reasoned out.

For this cause, if for no other, the citizen of a popular government owes it to his country, as a moral duty, to show respect, not only to the law, but to the makers of the law. They are probably better informed than he as to the circumstances that seemed to call for any action that he may be disposed to censure. He ought to give them the benefit of every presumption that they are acting honestly, at least, before he condemns.

I do not think that incompetence, dishonesty, or fraud can be charged against the public officers of our day to any greater extent than against those holding similar positions in any and all of the previous years of American history. As there are continually more and more of them, there must be continually more and more who are unfit for their places; but the proportion has not essentially changed. Those who have been led to any different conclusion fail, I believe, to remember that every newspaper is now a political detective, and few rascals can escape with public plunder undiscovered or unsuspected by the ubiquitous reporter.

Governor Pott, of Virginia, was tried and convicted for cattle-stealing in 1630, four months after he was out of office.*

Chief Justice More, of Pennsylvania, was impeached for gross partiality in 1684, and the council requested by the Assembly to remove him from office, the speaker describing him as a "corrupt minister of State." †

Sir William Keith, governor of the same province early in the next century, is one of the figures that Franklin has embalmed for us in his matchless autobiography. What American governor of our day could have descended so low as to send a young printer, almost a boy, out to London, to secure an outfit on which to set up a printing-office for himself, by promising him a letter of credit for the cost, when he had no credit to give, and no intention of even so much as furnishing the letter?

A few years later we find in the journals of the House of Representatives of Massachusetts complaints that the officers in the colony militia, from the highest to the lowest, abused their position to make illegal charges and demand improper perquisites, extorting a commission from their men for giving them their pay,

* Winsor's History of America, iii. 146.

† Ibid.

taking money for their discharge, and making false muster rolls.* Positions in the army were sought by those who wished to make the most of these opportunities. General Warren, who was president of the Provincial Congress of Massachusetts in 1775, often said that he never till then had any idea or suspicion of the selfishness of his countrymen or their impatient eagerness for commissions.†

In 1770 a report to the North Carolina legislature showed the sheriffs in different counties to be defaulters to the amount in all of nearly £50,000.‡ In 1795 the whole legislature of Georgia united in selling to themselves, for half a million dollars, what now constitutes half of the two States of Alabama and Mississippi. I say to themselves; for, while the contracts were made with four great companies, every member of the legislature, with a single exception, shared in the stock of one or more of them.§

John Adams wrote to a friend in 1777, while a member of the Continental Congress, that whoever knew America knew that she entered on the Revolutionary struggle "infected with that selfishness, corruption, and venality (so unfriendly to the new governments she must assume) which have been the bane of Great Britain." || In his old age, under the same convictions, he told a young friend in Congress, who sought his advice as one of the fathers of the republic, that the fathers were no better than their sons. "We had," he said, "as many poor creatures and selfish beings in proportion among us as you have among you; nor were there then more enlightened men, or in greater number in proportion, than there are now." ¶

In this century one of our early Vice-Presidents, if not guilty of treason, certainly came but little short of it. Another was a notorious drunkard.

A Kentucky judge, while Spain still held New Orleans, was found to have been her pensioner and spy.

No defalcation of any federal officer has exceeded that of Samuel Swartwout as collector of New York under General Jackson, or been more directly connected with political corruption. The total amount of his shortages reached \$1,200,000. He absconded to Europe, followed soon by William M. Price, the district attorney for the Southern District of New York, who was a defaulter in that office to the amount of \$75,000.

* Douglass's Summary, ii. 300, note.

† John Adams's Life and Works, ix. 633.

‡ Annual Report of American Historical Association for 1894, p. 152.

§ Ibid. 1891, p. 173.

|| Life and Works, ix. 458.

¶ Ibid., 630.

But the true weight of defalcations in office as a criterion of public morals is less their commission than the manner in which they are dealt with by the government and regarded by the community. In 1836 the receiver of public moneys at Fort Wayne became a defaulter. The Secretary of the Treasury ordered an investigation, and, while it was pending, received a letter from one of the senators from Indiana, concluding thus : "I do not believe that he has intentionally either done wrong or violated his instructions. It would to some extent produce excitement if he were removed ; for he has many warm and influential friends both at Fort Wayne and in Dearborn County, from which he removed to his present residence. Better let it be." The answer of the Secretary contained no word of rebuke, and said that the receiver's "explanations have been such that he will probably continue in office."* A national election was to take place in two months, and the three men were all members of the party in power.

In 1837 the Secretary of the Treasury sent out an inspector to examine the condition of the various land offices. In one of these, in Mississippi, the receiver, Gordon D. Boyd, was found to be in default to the amount of over \$50,000. His predecessor had been also guilty of a serious misappropriation. The inspector's report contained this recommendation : "The man seems really penitent ; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home. Another receiver would probably follow in the footsteps of the two. You will not, therefore, be surprised if I recommend his being retained in preference to another appointment ; for he has his hands full now, and will not feel disposed to speculate any more." †

It would have been simply impossible for such a report to be made to a cabinet officer at any time since, at the latest, the close of the first century of the existence of the United States.

The last conspicuous instances of corruption in our great offices of State were those furnished by John B. Floyd, the Secretary of War under Buchanan, and William W. Belknap, who filled the same position under Grant. Between them came the *Crédit Mobilier* scandal, which, while more was charged than established, constituted, nevertheless, the greatest reproach that has yet come

* Memoirs of S. S. Prentiss, ii. 17.

† Ibid., 29.

on the Congress of the United States. It furnishes, however, strong proof of the morals of the people in the universal outburst of indignation with which it was received, before which more than one of the accused, who had borne good names and high office, stooped to lie rather than own themselves guilty of a more venial fault.

Our people, our newspapers, and our reviewers, in their attitude of outspoken judges of public characters, are at least free from that spirit of conventional hypocrisy which rules so much of what is said under similar circumstances in foreign society or by the foreign press. Mr. Bryce has not hesitated to say in his "American Commonwealth"* that England has two quite distinct and contrary moralities for public life, one publicly assumed and one privately avowed and acted upon. The official may be treated with respect in the review and with contempt by the reviewer. His acts may be described as honest in print, and laughed over in private as a successful bit of roguery that helped the party, and makes him all the more valuable as its representative. Nothing of this kind would be tolerated here among decent men.

Free as have been our criticisms of public men and measures, and deep as has often been the popular discontent of which it was the voice, criticism and discontent have seldom led to sedition. The North Carolina Regulators of 1771; Shays's Rebellion in Massachusetts, in 1787; the Whiskey Insurrection in Pennsylvania in 1794; the New York anti-rent disturbances of 1839; the Homestead riots of a few years since,—these are the main incidents of that description to be gathered in the history of three centuries.

The misdoings of the private citizen in his political relations, and of the candidate for office, must not be passed over.

It is safe to say that they have never been as great as those which once disgraced the parliamentary elections of England. It is true also that they are greater than those which can be charged against her parliamentary elections now.

Corruption in elections, it is to be feared, is a necessary incident of party government, if by corruption we mean every influence used to obtain a vote other than that due to the merits of the candidate.

Washington's first seat in the Virginia legislature was gained by the distribution of unlimited punch.† Many an election in every

* Vol. ii. 206.

† Ford's "True George Washington," p. 297.

State has been secured by promises of political favors or understandings that were tantamount to a pledge. But the downright payment of money or money's worth has always been confined within narrow bounds, and generally gilded over by the pretence of paying for the time lost from labor in going to the polls. What of this there is we find in the country more than in the city. The light kills it, and the city is the place of light.

Fraud in the conduct of elections it is often more difficult to detect ; but it is safe to say that it has never taken permanent hold with us of any community, except in regard to the negro vote in the South. The preponderance of the colored population there, joined to their want of education and general intelligence, made their government of the Southern States in the period of reconstruction confessed misgovernment. The Southern whites determined to regain political control, and they have too often disregarded moral honesty to obtain it. Of late years, however, they have reverted, in the true spirit of Americans, to methods of legal redress, and by constitutional provisions have begun to limit suffrage to those who know enough to use it rightly. Indirectly, this excludes the ordinary negro ; but they are furnishing him with schools at the expense of the State, at which his children may fit themselves to share it with the whites.

We have encountered in full force the problem with which all thinking peoples have to deal,—that of the duty of public characters of whom is required adhesion to ancient declarations of belief or rules of conduct which they are unable to accept, or to accept in the sense in which they were originally framed and promulgated. The augurs of Rome, who did not pretend to veil from each other their contempt for the ignoble search they professed to make for divine oracles in the carcass of a slaughtered fowl, the mediæval priest, at the same eternal city, by the side of Luther at the mass, who muttered, "*Panis es, Panis manebis*,"—have these men not had their lineal successors in American pulpits?

Our conditions of society, however, have furnished an easy method of escape. The minister of one denomination can readily pass into a minister of another, and with little or no loss of social caste.

The doctrine, too, of creed subscription for substance of doctrine finds wider and wider acceptance. There are, happily, few extended and systematic articles of belief, that have obtained

ecclesiastical sanction in any English-speaking lands, which have not been the fruit of compromise, and do not bear the evidence of it on their face.

The Thirty-nine Articles of the Church of England can hardly be said to be fully consistent with themselves. They were pronounced in the century which followed their adoption by an English priest, who afterward became a bishop, mere "articles of peace," subscription to which simply meant that you would not preach against any of the doctrines which they affirmed.*

The foundation creed of Andover Theological Seminary declares that God of his mere good pleasure from all eternity elected some to everlasting life, but that the wicked will "with devils be plunged into the lake that burneth with fire and brimstone forever and ever." But it declares also that the Saviour came to make atonement for the sins of all men, and, in thus stating two apparently inconsistent doctrines, necessarily leaves to the professors, who are bound to accept it, to choose between them, or to reconcile them with each other, as their judgment may best approve.

Our political system of frequent conventions of parties or party organizations, each putting forth a platform for the campaign, is also a fruitful source of disquiet to those who are to stand upon it before the people. Half that is said in them is not meant: half that is meant is not said. Generalities constitute the favorite mode of expression; and the best phrase is that which, like the utterances of the Delphic oracles, may catch its meaning from the event. At the convention of the National Republican League last month, if I may venture to allude to contemporary history; a platform was adopted which alluded in much this way to the question of what we are to do with our conquests of Spanish territory. The newspapers tell us that the President of the United States was first consulted as to what he cared to have said upon this subject, and that he declined to recommend anything except ambiguity. It is not improbable that this story is without foundation; but that it has been widely published and received as an item of current news, without remark, may serve to show that the American people are content with meaningless or ambiguous platforms and with those who interpret them to suit themselves.

The same difficulty arises under our written constitutions, and

*The Bishop of Ely.

has made them often prove an occasion of temptation to the legislator.

A law, for instance, is desired to meet a special case in a State whose constitution provides against all special legislation. A general statute might be enacted, which would cover this and every similar case; but it is felt that such a statute would be unwise. What then? The ingenuity of the friends of the measure suggests a bill to apply to all cases of a certain class, and limits this class so closely by description that, in fact, it must consist of a single one. Thus in Ohio, where such a constitution exists, a law was passed, a few years ago, authorizing any municipal corporation having a population by the last preceding census of the United States of 10,938 to buy land and build machine-shops upon it, for lease or sale to a railroad company. Can any one fancy that there was more than one city there with precisely 10,938 inhabitants? So the Indiana constitution postpones the taking of effect of any law until it has been printed and published by authority, except in case of an emergency, to be stated in the law itself. At a recent session of the Indiana legislature more than three-fourths of the Acts contained a declaration that an emergency existed for their going into immediate effect.

Such devices are probably unconstitutional; but, whether so or not, must we not stamp them as immoral, practically destroying, as they do, a safeguard against unwise legislation, which the men who planned them had sworn to support?

I have sought to put before you in rough and necessarily * imperfect outline what a history of American morals, whenever it is written, must include, and what judgments it may be expected to pronounce. Such a history for any people through a course of three centuries can be but slowly traced. Let me, before I close, emphasize what stands out as the controlling forces by which American character has been shaped.

Goethe has said human history has no other theme than the varying contest between the principles of belief and unbelief. When belief—the belief of the heart in the things of the heart—is in the ascendant, the age is marked by great, soul-stirring events, worthy of perpetual remembrance. An age of unbelief succeeds, and it is unproductive and intrinsically mean: it has nothing to feed the spirit of man, which starves itself away in ignoble silence and atrophy.

* A considerable part of this address was omitted in delivery.

There was a day when belief was the spring of action for the dwellers on this continent,—for those who came here to found homes for themselves and their posterity. Goethe has described it for us. Narrow as was their field, few as were their numbers, they dealt in things that were essentially great; and they dealt with them in a great way. We stand with reverence at Plymouth Rock. We read with a respect unabated by a conviction of its intrinsic error the story of the covenant which founded the colony of New Haven upon its seven pillars. In the century that followed we see belief in the civil rights of Englishmen rising into belief in the inalienable rights of man, and flashing out, with the gleam of the sword taken from its scabbard, into the glories of the Revolution. In our own time, belief in our national ideas flamed up for four bright years—bright amid all the storm they brought—in the Civil War, and refounded the United States upon the only freedom that deserves the name,—freedom for all.

But have these heroic eras in our history been distinguished for moral excellence?

What is morality? If it be conformity to the standards of conduct prescribed by what for the time being is the ruling sentiment of the community, the age of the Puritans was moral; but it was not so with that of the Revolution or of the Civil War. How has it been with ourselves in these days of trial, of great deeds and new ambitions, of national extension by conquest, of the excitement of glorious victory in new fields?

War, at its best, lifts the soul above selfishness, but not toward God. God is Love. War is the destruction of man by man, the innocent with the guilty. You recollect what General Sherman said of it a generation ago,—“War is hell.” Its profoundest history is not written in battles and treaties. Those who fight are in the foreground of the picture, lit up by the glare of the contest; but what are those figures in the background? What of the greater army of camp-followers and contractors, of speculators in loans, of defaulters in office and defaulters in trade? The sutler may cut a mark on national character deeper than the general.

There was no American whose heart did not swell with pride when he heard of what Dewey did at Manila, and Sampson's fleet, from the great “Oregon,” plunging through the seas on its long chase, down to the little “Gloucester,” flying like a game-cock at the torpedo-boat destroyers off Santiago de Cuba. There are many who took new courage for the future as they read of

Captain Philip hushing the cheers that rose on the "Texas" when the Spanish ships were stranded before their eyes and their men struggling in the surf, as he reminded his crew that "the poor devils were dying," and calling them, instead, to uncover and give a moment to silent thanksgiving to God for the great victory they had won. But who knows anything of the life of camps who does not know that ours during these past months, like all others in human history, have been often the scene of the bad in word and the bad in conduct, and that deeds have been done and habits formed, by not a few, of which their friends at home would hear with sorrow and dismay?

We have been educating ourselves into new beliefs. We are possessed by them, ruled by them. We believe that our country is not measured by the breadth of the continent. We believe that the islands that fringe its coasts, and those remoter still,—which, in unfriendly hands, might threaten its security,—may rightfully, as occasion offers, be incorporated into the United States. We believe that our people have duties of humanity toward other people, duties that may justify a war to free them, by the strong hand, from bad or cruel government. We believe that the United States are something more and greater than the States which are united under their flag, and that the American people may acquire and hold territory anywhere upon the globe which is needed to serve their navy or promote their commerce.

Are we the better, morally, for these beliefs? Do they make us more regardful of the rights of others, more charitable in our construction of others' conduct, more heedful of our own?

Belief may rest on faith, it may rest on imagination, it may rest on knowledge. Napoleon said, "*C'est l'imagination qui gouverne le genre humain.*" It does not govern the beliefs that rule American life. We reason out our conclusions, except as we inherit them. Imagination may occasionally hurry us into acts of enthusiasm. Our settled habits and modes of thought are regulated by higher things.

"I have generally," says Carlyle, "found that morals in a man are the counterpart of the intellect that is in him."*

The best educated, the most intelligent people should be the most moral people. There are countries where individual men

* *History of Literature*, p. 158.

have gone farther in learning and in intellectual greatness than any American has yet reached, but there are none where illiteracy is so rare. I do not ignore that of the American negro. It has not been his fault. It will not long be his misfortune. But, when we speak of American morals, we do not count the colored men of the South as Americans. They will win the name, but they have not yet made out their title.

The morals of our people reflect their intellectual ability, but we must look deeper for their source and spring. As we review their course, we cannot but see that it has been largely shaped by religious influences, and especially by those under which New England was originally settled.

Virginia was the pioneer in representative government. It set the style of morals also in their early days for most of the Southern States west of the Alleghanies. But it was a morality either for the rich or for the frontiersman, and always a morality from the slaveholder. It wanted that support which Carlyle named as so essential. Sir William Berkeley, her governor for forty years, expressed the views of her ruling class when he wrote of her condition in 1671 to the Lords of the Committee of the Colonies, "I thank God there are no free schools nor printing."* That which in America as a whole belongs to the small farmer working with his own hands, to the village tradesman, to the factory mechanic, to the thickly settled and established community, be it North or South, comes down from John Calvin and John Knox through the Plymouth Separatist, the Massachusetts Puritan, the Scotch Presbyterian, and the Huguenot.

The sternness of the Puritan theology time has softened. The rigor with which it clad human life has worn away. But the strong sense of personal duty which it imposed, and the reverence for the Bible which it taught so well, remain.

Sunday is a day of rest and quiet for most of our people because of the Puritan. They may care nothing for its religious sanction, but they have inherited it from those who did.

Licentiousness, intemperance, gambling, brutality in sport, impatience of law, contempt of authority,—if these are not destructive features of American society, it is in no small part because of the share of New England in planting the great States that lie west of the Hudson, and of the leaven of Calvinism that the Presbyterian and the Huguenot of the Carolinas introduced into the South.

* Holmes, "American Annals," i. 410.

Three nations of antiquity, above all others, have stamped themselves upon the modern world : Greece, in thought ; Rome, in law ; Israel, in religion.

It is fortunate for America that the founders drew less from Greece than from Rome, less from the Romans than from the Hebrew. From everything that was Greek their theology repelled them, founded as that was in the Latin Church, cast by Calvin in Latin form, and permeated by no sense of beauty except the beauty of holiness. The governing and conquering spirit of Rome they had ; and the Hebrew Scriptures gave them the Lord God Jehovah for their leader, and told them, by the lips of Moses, that law and religion were one. They may have thought the lesson was that State and Church were one, but the vital truth outlasted their misconception of it.

If American morality is sound and high, as I believe it is, it is for one thing, and for the main thing, because it rests on Plymouth Rock.

ANNUAL REPORT OF THE GENERAL SECRETARY,

REV. FREDERICK STANLEY ROOT, M.A., OF NEW YORK.

[Read Monday evening, August 29.]

In presenting my first annual report as General Secretary of the American Social Science Association, I am fully conscious of the lack of accumulated experience in office which, joined to signal literary capacity, rendered the work of my predecessor, Hon. F. B. Sanborn, so permanently beneficial to the best interests of the organization. But my encouragement lies in the fact that new incentives, fresh opportunities, and opening vistas of useful development confront every man who undertakes his labors *con amore*, and that all questions of social progress in their last analysis are questions largely dependent for their solution upon the closer study of the basic principles of human nature, and also upon the adoption of methods of social amelioration and improvement that are to-day thoroughly practicable. Thus the work of suggesting and, to some extent, of shaping the line of policy to be pursued by this society, while belonging in the period of inception to the wisdom and judgment of the Executive Board, passes over to the province of the General Secretary for executive detail and consummation. And, on this view of his office, experience — generally, the indispensable requisite of efficiency — may at least recoup from zeal, energy, and adaptability some portion of the loss. Such zeal and energy, I hope, will be mine in furthering the aims of an Association whose expert papers and essays for a period of twenty-five years have boldly and ably met the most vital, the most pregnant, and, I may add, the most ominous of sociological, economic, sanitary, and judicial problems. It is the powerful and striking observation of Wendell Phillips that "statutes are milestones, showing how far yesterday's thought has traveled." It may be said with equal pertinency that the expert papers submitted at annual conferences of societies like our own are thought-milestones, blazing out the path which social science has followed in its effort to determine the right relation of the unit to the mass, the State to the individual,

the most favored to the least favored of God's creatures. Not that social science is an exact science, nor that it is as a definite term yet removed from cloud-land, but that the condition of its present knowledge as evinced in such papers is a tolerably complete compendium of what it knows and can do for man in his multiform social relations. And, if the members of the Social Science Association and the public at large will take the trouble to examine the list of papers indexed in each number of the *Social Science Journal*, it will be discovered that since 1865, when the Association was founded, between seven hundred and one thousand essays have been published under our auspices, many of them by the foremost thinkers in America, and dealing with almost every conceivable phase of human progress. And I may add, in passing, although it is often urged by writers of pessimistic tendencies that the materialistic wave creeps upon the shores of our civilization with ever-increasing volume and surge, and that what Emerson calls the age of "Tammany Hall, the omnibus, and the third person plural" waxes grosser with the waning centuries, still, the wonderful growth of learned societies in our country, both in membership and influence, promises a brighter future for humanitarian and scholastic ideals. For to-day we have no fewer than forty such societies, ranging in numbers from two hundred to two thousand each, some of which, and not by any means the least important, are offshoots from this organization as the parent stem.

Nor should it be forgotten that the purpose and mission of this particular body is the discussion and investigation of all subjects pertaining to social science, and that its traditional policy is never to commit itself to any dogmatic declaration of belief in regard to the questions which may come under its examination. We are, most happily, thought-free as to the nature of topics debated and hospitable to every method of treatment, provided such method does not violate the canons of dignity and good taste which have been so largely in evidence at every meeting of the Association. Most of us recall the noble aphorism of Philip Gilbert Hamerton, who says, in "The Intellectual Life," "I look upon an opponent, not as an enemy to be repelled, but as a torch-bearer, bringing whatever light he may to enlighten my ignorance." And, certainly, no greater proof of the open-mindedness of the Association to every form and phase of modern thought can be afforded than is presented by the fact that we have heard with serenity and rewarded with generous applause advocates of economic theories

so widely divergent as those maintained by Henry George, Edward Atkinson, and Samuel Gompers. As long as we adhere to this policy, and avoid what Arthur Helps designates contemptuously as "large, fluent, unhesitating dogmatism," which marches advanced thinkers out of court by the ears, we need not fear that our Association will lack an intelligent and wide-orbed constituency of intelligent men and women.

But leaving the larger and more general aspects of our work as a society, and descending to some details of a wholly practical character, it may be of interest, first of all, to know exactly our status at the present time in the matter of prospects, business, organization, and membership. During the year we have held two meetings of the General Council, one in New York, Dec. 17, 1897, and the other at Woodmont, Conn., July 6. At each of these meetings several affairs of prime importance were considered. On motion of the Hon. Oscar S. Straus it was voted that the Association seek to establish a reserve fund, the principal and interest thereof to be used for such purposes of the Association as the Council might determine. The motive of this resolution must be referred to the consideration that the work of the society in the past and its ability to publish and disseminate literature has been greatly restricted for lack of sufficient funds. In conformity to instructions, an appeal to members was made by your General Secretary; and a sum of money has been received for the purpose named, which, to date, is but a nucleus. But within a very recent period we have received from the executors of the estate of the late John W. Carter the sum of \$500, which sum, by vote of Council, is invested and held permanently as part of the publication fund of the Association, the income thereof to be devoted to publication uses from year to year. The constantly diminishing earning power of money will make it obvious to all interested persons that the tractarian movement in the American Social Science Association will never attain large renown without substantial addition to the generous bequest of Mr. Carter.

A single illustration out of many available will show the necessity of a generous reserve for publication purposes. Certain numbers of our Journal are not only rare, but they are virtually unobtainable. This is notably the case with No. 27, which contains a symposium on the "Single Tax," the participants being men of national eminence in their several fields. There is a steady but limited demand for this issue of the Journal; and your

Secretary is of the opinion that a reprint of this debate, as well as a reprint of certain sections of other rare numbers, would be advisable.

And it may be remarked at this point that it might be well to consider whether, upon the whole, the selling price of the Journal in the general market is at a higher figure than may be compatible with large distribution. It is also pertinent to inquire whether a portion of the cost of printing could not be defrayed, and without the loss of dignity attaching to high-class publication, by securing, if possible, advertisements from book concerns and general publishers, and then, by the enlargement of the editorial work of your Secretary, place the Social Science Journal upon the counters of the booksellers, thus hoping to secure distinct recognition in the literary market along with other magazines no more varied in contents.

At the council meeting in New York it was also voted that the matter of incorporating the Association be referred to a committee, consisting of President Baldwin, Vice-President Kingsbury, and the General Secretary. Steps were immediately taken to secure the accomplishment of this end, and with the following result: a charter was favorably reported by the Senate Committee, and passed that body; the House Committee voted to report favorably on it also, but the pressure of business incident to the war and other causes prevented the report from being made. If in the months before us progress is effected, information of such progress will be communicated at the winter meeting of the Council.

There is no present necessity that I should refer in detail to the proceedings of the council meeting held at Woodmont on the sixth day of last July. Some plans and suggestions looking to the enlargement of the *clientèle* and the extension of the influence of the Association were definitely shaped; and before our adjournment on Friday next, under the head of miscellaneous business, there may come up for consideration certain measures relative thereto. One incident of the July council occasioned keen regret. I refer to the resignation of the office of Treasurer of the Association by Mr. Anson Phelps Stokes. Mr. Stokes was led to this decision by the pressure of business cares and responsibilities; and after some years of valued service, signalized by much generosity to the Association, his resignation was reluctantly accepted. We are fortunate, however in securing as his successor, Mr. W. C. Le Gendre, of New York, whose wide experience in financial affairs

guarantees the expert discharge of all duties belonging to the position.

With reference to the membership of the Association I have to report that since the beginning of our Association year there have been added to the roll of members one hundred and forty-five new names. Owing to causes beyond his control, your Secretary has been unable as yet to make a thorough-going revision of the membership list; but at present writing, including all classes of members upon our books, the total census falls a little short of four hundred, about the strength of the American Philosophical Society and the American Philological Association and considerably larger than that of half a dozen societies of national renown. I mention this to show that our leakage in point of numbers up to a recent period, due in great measures to the formation of new associations out of our very loins, is not in itself a staggering or discouraging fact. And I am fully persuaded that large accessions to our ranks will follow enthusiastic and persistent effort on the part of the friends of the Association to recruit our lists. If every present active member of the American Social Science Association would carefully select ten names of persons known to him as interested in the problems we are debating from year to year, and report such names to your Secretary, I am confident that a considerable fraction would ultimately be enrolled on our books. When the method of the resumption of specie payments was under discussion, Horace Greeley remarked in his inimitably quaint fashion, "The way to resume is to resume." Yea, verily, the way to get new members is to get them; and as the secretary of an organization is neither Argus-eyed, nor a Briareus with the hundred arms, nor octopus-like in wide-spreading in-gathering sweep of his official tentacles, it is *imperative* that each member of this Association shall be solicitous in selecting those who will be glad to avail themselves of the privileges of this body. I put this matter before you strongly; for, in past years, it seems to have been tacitly assumed that the Secretary alone was responsible for the increase of membership. And in the course of the year I hope to test in a very practical fashion the willingness of gentlemen belonging to the Association to assist in the enlargement of its constituency.

But I cannot surrender this report to the official archives without submitting for your consideration certain brief recommenda-

tions of a general nature. Not that I assume agreement: I only ask a hearing. And from the view-point of a Secretary not yet thoroughly acclimated, so to speak, to his environment, I hold, first of all, that the American Social Science Association should have a local habitation.

As long as your Secretary is a resident of New York, but not a householder, an office—even though it be a seven by nine room in the business quarter of the city—is almost indispensable, or will be when the funds of the Association warrant the outlay. We have already a number of valued exchanges, and could easily secure more. Back numbers of magazines accumulate, some of them not infrequently called for. Correspondence for the current year has largely increased. A placard of some description invites attention to what individuals and societies are doing. And I urge that, when one has no room for such accumulations except upon the floor of his private winter quarters, and no sign of his official connection whatever, some confusion and awkwardness of adjustment will inevitably ensue. Few societies of our standing and achievement are thus handicapped; and it would be a distinct gain to our solidity if some ardent and financially endowed member of the Association would supply the wherewithal to furnish and equip an office gratuitously surrendered to our uses, or at nominal rental by another enthusiastic member who deeply appreciates the value of a local society habitation. I proffer this hint, well knowing that it will not, in all probability, advance beyond the germ stage at this session of the convention.

Again, I see no reason why the heads of departments should not occasionally try the experiment of engaging eminent speakers from abroad to read or submit papers to be read at our Saratoga meeting. This is far from being a reflection upon the high ability of the men and women in our own country who have appeared before this Association from time to time. In the matter of literary capacity and expert knowledge we have no need to cross the water. But upon the honorary and corresponding lists of the Association are names of international repute, names long identified with our body; and it would be a graceful thing to do, and might add a certain *éclat* to our gatherings, if now and then, say six months in advance of our meeting, Professor Bryce, or Moncure Conway, or Dr. Ernest Engel, or some equally notable personage were invited to deliver an address. The individual in question might be planning to visit America, or he might be greatly interested in the work of a par-

ticular department, or, possibly, he might consider such request a delicate return for the courtesy of election as honorary member. At all events, I am persuaded that the experiment is quite worth undertaking, and it is to be hoped that the ambitious head of a social science department will magnify his office by taking a bold initiative in this direction. Even though the guest be unable to clothe his thought in vigorous and sinewy Saxon, which is truly a great desideratum, the use of his own vernacular will give employment to our linguistics ; while the eminence of the speaker will draw attention to his personality from many who, while unable to follow his words, as in the case of the illustrious critic Brunetière, will be glad to hear his voice on this platform.

One other suggestion is that we ought to have a much larger representation in the general membership of the Association, and possibly in the official control of its affairs, of women interested in social questions. I need not allude in this presence to the pre-eminent professional attainments, the devoted philanthropic service, and the proved executive capacity of certain women who for years have been numbered among our members. It is a noteworthy fact to-day that some of the most important contributions to social science — contributions that skilfully mass the evidence of social disorder and are fertile in the resource of remedies — proceed from the pens of women students of social problems. As a member of the Social Reform Club of New York, I am more and more impressed with the subtle and instinctive grasp of social questions evinced by women belonging to that organization who serve ably upon the board of directors of the club. I have only to mention Helen Campbell and Josephine Shaw Lowell out of many in proof of the soundness of my general affirmation. If, then, women are acceptable members of civic leagues, and leagues of every name organized for the study of present-day economic and industrial problems, I can but feel that we ought to include a far greater number in the membership of an Association organized to publish expert testimony on living questions and industrial problems. The day has gone by when the aptitude of cultivated and thoughtful women for profound diagnosis of existing social conditions can be decried.

Whatever may be the thought of the conclusions and observations of your Secretary on this and other points, the immediate privilege before us is to hear the various papers and addresses

which, as of old, we present you as outlined upon the printed programs. And, in entering upon a second year of association work, I can only say that at any time during the year I shall be glad of hints and suggestions from members looking toward greater efficiency of organization,—hints that will be submitted to the judgment and wisdom of the General Council whose executive I am.

I. DEPARTMENT OF EDUCATION AND ART.

I. REMARKS BY THE CHAIRMAN,

THE REV. JOSEPH ANDERSON, D.D., OF WATERBURY, CONN.

[Read Tuesday morning, August 30.]

The chairman of a department, if he has kept its claims before his mind during the year, can readily think of many things which might properly be said by way of introduction. The construction of a program in any department is a task which at the best has an element of haphazard in it; and, if much that is valuable is included, much that is equally valuable must be omitted. To recognize some of the things omitted, and thus to supplement and complete the scheme of the day, is the privilege, if not the duty, of the chairman; and it is not always easy to resist exercising it. It was a feeling of this kind that led me to speak at some length, a year ago, on "recent movements in the educational domain." This year, however, our program promised to be an unusually full one, and it seemed undesirable that I should diminish the small amount of time that could be given to the several subjects presented and to the discussion of them by any long statement of my own. I will therefore confine myself this morning to a few remarks concerning the program of the day and the interrelations of the topics to be considered.

I regret to say that our program will not be carried out as published. Mr. S. T. Dutton, superintendent of schools in Brookline, Mass., was present at the last meeting of our Council, at Woodmont, Conn., and at that time fully expected to be with us to-day, and to present a paper on the theme that has been announced,— "By-products in Education." But important changes in Mr. Dutton's home affairs render it impossible for him to attend our sessions. We shall hope to hear from him a year hence.

At the suggestion of Secretary Dutton I offered a place on our program to Mr. W. Scott, of East Windsor Hill, who rep-

resents an interesting movement toward the equalizing of education in Connecticut. Mr. Scott was compelled to decline for reasons which suggest anew the importance of establishing a sustaining fund for our Association. His absence is to be regretted, for the movement to which he is devoting himself is one of great importance,—I mean the elevation and improvement of the rural schools of America. In 1895 there were in the United States 574 cities of 8,000 or more inhabitants each. The pupils enrolled in the schools of these cities numbered 3,303,000. Those in the other schools of the nation—the rural schools—numbered 10,889,000. The ratio of the two classes is as 33 to 108; yet the city schools own more than half of the common-school property and expend more than 41 per cent. of the total school funds. This means “that the country school-children, as a whole, are taught in inferior school-houses, by inferior teachers, and for much shorter periods of time.” How to secure for them a better chance—how to “equalize education,” as Mr. Scott expresses it—is one of the pressing problems of the hour. In the meeting of the National Council of Education at Milwaukee, last year, an elaborate report on rural schools, filling 200 octavo pages, was presented, abounding in practical suggestions. The general aim set forth in this report was the multiplying and improving of opportunities for the children of the rural districts. One aspect of this subject will come before us in the first paper of the morning by Mrs. Daniel Folkmar, not exclusively, however, or distinctively, in its bearings upon rural schools. I spoke a year ago of the attention given of late to the economy of time in the educational process. I am glad that this matter is to be presented in so definite shape to-day.

I spoke last year and the year before of the educational processes perpetually going on apart from all systematized instruction. No man's education ceases with the close of school-days; and it is important to recognize this fact, and to appreciate the educational value of certain institutions and movements. Two years ago the educational value of modern fraternities was considered, and the educational influence of the newspaper was touched upon. A year ago one of our topics was the educational influence of the drama; and to-day, following the same general line of investigation, we are to consider the educational value of the popular lecture. Dr. Henry M. Leipziger, from his rich experience in connection with the schools of New York, will be able

to give us the latest wisdom on this interesting topic. It may be worth while, at this point, to mention that the value of the drama—the stage—as an educational agency has lately been tried in a very practical way in connection with certain schools in Germany, the school-children being taken regularly to the theatre by their teachers to witness first-class plays. And, apart from the question of the morality of the stage, why is not this experiment as well worth trying and as justifiable as that reported by Mr. Dutton from the Brookline schools,—I mean the introduction into the school-rooms of fine music and notable works of art?

By a slight change in the constitution at our last annual meeting the department over which I have the honor of presiding was enlarged, so that it became the “Department of Education *and Art*.” What the effect of this change will be depends upon the ultimate direction of a new movement that has developed since last winter within our organization, the nature and scope of which will probably be revealed before the close of our meeting. But, in any case, the relations of art to education are of obvious importance, and it seemed entirely suitable that the enlargement of this department—whether it shall prove to be permanent or temporary—should be signalized by a paper on the relations existing between art and education. This paper, you perceive, will be presented by Professor Raymond, of Princeton, who has made this field of inquiry especially his own. The subject is one that has already attracted much attention. At the meeting of the National Council of Education, at Milwaukee, this was one of the pressing topics. Professor Raymond will discuss it on its highest levels, but its humbler and more “primary” relations are also worthy of careful consideration.

The other topic for our evening session is one which, in its very statement, affords us a note of hope. Is it true that there has been real advance in college and university education in the United States?—I mean in the proportion of those who seek and secure it. Dr. William T. Harris says there has, and bases his statement upon a large array of facts. The significance of this no man in America is better fitted than Commissioner Harris, whether by official position or by expert knowledge, to set forth. Some one, speaking of the recent war, has said: “This is emphatically a war of trained against untrained men. We shall succeed by virtue of a more thorough education,—an education both in the arts of war and in character.” A statement such as

this, taken in connection with the growing interest of the people of America in the higher education, brings before us the great possibilities that await us in the near future.

One other event in our program remains to be mentioned. When Professor William F. Blackman, of the Yale Divinity School, proposed that his paper should be on the question, "Is Society an Organism?" I was well aware that the topic was no more appropriate to my department than to some other, but I also knew that it was no less so. I felt, too, that such fundamental questions as this ought to be considered every year at our meetings; and I am very glad that at the close of this morning's session we are going to have such a theme brought before us by one of the most earnest and successful students to be found in the growing company of those who are devoting their lives to sociology.

At the risk of making this miscellany of "remarks" still more miscellaneous, I refer, in conclusion, to a matter introduced to my attention and to the notice of various members by one of our Council, Mr. E. T. Potter, of Newport, R.I. Mr. Potter is alarmed, and with good reason, at the destruction so rapidly going on all over our country of what he calls "some parts of man's heritage in nature." In a brief paper which he has published on this subject, he speaks of the massacre of the song-birds and the birds of beautiful plumage, of the approaching extinction of giraffes and whales, of the overthrow of the giant trees of California, of the blowing up of the Palisades on the Hudson River, and of the destruction of much that is beautiful and precious in the Yellowstone Park since the withdrawal of the United States troops. The matter is one to which attention should certainly be directed. There is an old name for all this—Vandalism—which suggests that the explanation of it is to be found in the fact that we have not yet, as a people, quite emerged from the status of barbarism. What is more likely to lift us completely out of that condition than education,—an education that shall give proper heed to our æsthetic development, and that shall begin with the little child? And, as Mr. Potter says, "we must make haste in regard to this, if we are to preserve for posterity the *exceptional* in nature as we now possess it."

2. THE SHORT DURATION OF SCHOOL ATTENDANCE: ITS CAUSES AND REMEDIES.

BY MRS. DANIEL FOLKMAR, M.PH., PARIS, FRANCE.

[Read Tuesday morning, August 30.]

Several solutions of the question, "What is the average schooling of the pupil of the public schools?" have been undertaken. Some writers * have based their study on the investigation of the ages of pupils. The results of such investigation are not very conclusive; for, while the child may be enrolled in school for five or six successive years, so long as he is required to be in school only three months during the year, he will not cover many grades.

Others have based their investigations on promotion figures. Here, too, the results are not very convincing. Many pupils who are promoted at the end of the year do not return for the next year, and it would be the height of presumption to suppose that all pupils who failed of promotion would be enrolled in the same grades the next year.

As a more satisfactory basis for the solution of the question of the duration of school attendance, Professor Folkmar undertook in 1894 a study of the Chicago public schools, to ascertain at what grade pupils drop out of school, what per cent drop out before reaching the second grade, what per cent fail to reach the grammar grades, what per cent reach the high school, and what per cent graduate from the high school. This is a better basis of investigation; for the results indicate what grades of the public school have been covered by its citizens,—in other words, what acquirements of knowledge, power, and skill the pupil has on leaving school, so far as such acquirements can be inferred from curricula outlining the work of the several grades of the public schools.

The results of Professor Folkmar's investigation, briefly stated, are as follows: of the children that attend the public schools of

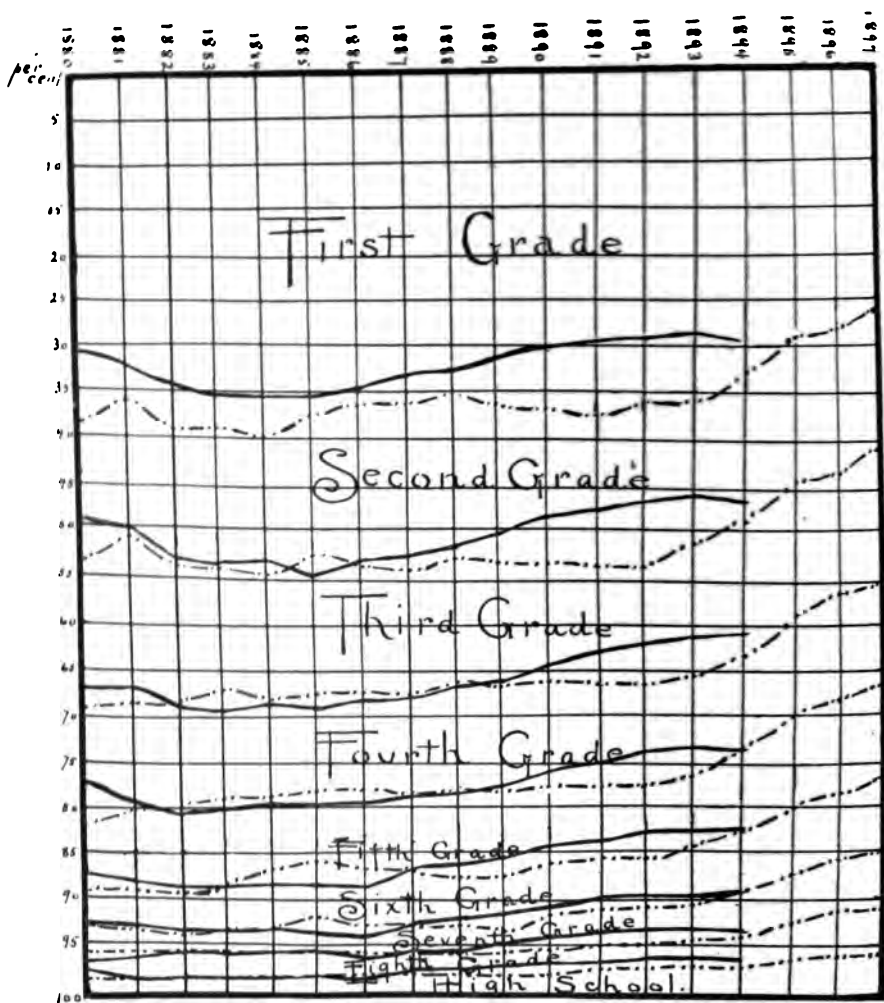
* Woodward, C.M., "The Age of Withdrawal from the Public Schools," Report of the United States Commissioner of Education, 1891-92, p. 595.

Chicago, 32 per cent drop out before reaching the second grade, 51 per cent before reaching the third grade, 66 per cent before reaching the fourth grade, 78 per cent before reaching the grammar grades, 97 per cent before reaching the high school, and only three in a thousand graduate from the high school. While the study of one city does not prove anything outside of that city, it was the opinion of Professor Folkmar that the conditions which he found in Chicago were not peculiar to Chicago, but rather were typical of the great cities of this country, if not of the whole country, including urban and rural districts. Likewise, that these conditions are typical not only of the United States, but of every highly civilized nation. As one step toward the verification or disproof of the above proposition, I undertook in 1896 a similar study of the public schools of Milwaukee.

In the study of the duration of school attendance from data furnished by Chicago and Milwaukee, two methods* of demonstration were employed for each city, the one serving as a check upon the other. They may be designated as the deductive, or enrollment method, and the inductive, or class method. By the first the enrollment by grades for one year or the totals for a group of years are made the basis of deduction or inference as to the per cents that must have dropped out from the lower grades. By the second the enrollment of a single class entering the first grade is followed from grade to grade through the reports of successive years, the per cent that dropped out in each grade is noted, and from a comparison of these facts with corresponding facts in the history of other classes a generalization is reached inductively as to the normal per cents that drop out at each grade. Secondary considerations, such as deaths, increase of population, and promotion figures, were introduced into these studies; "on the one hand to eliminate errors so far as possible, on the other hand to determine the limits of probable error, so that, if per cents could not be determined with absolute accuracy, statements could at least be made as to the maximum and minimum limits within which the truth lay."

The following diagram is a graphic illustration of the results of the deductive method. The solid lines mark off the number that drop out before the next grade in Chicago, and the dotted lines indicate the conditions in Milwaukee. The slight difference

* For details of method and data see "The Duration of School Attendance in Chicago and Milwaukee," by Daniel Folkmar, "Proceedings of the Wisconsin Academy of Sciences, Arts, and Letters for 1897," p. 257.



PER CENT OF ENROLLMENTS THAT DROP OUT BY THE END OF EACH GRADE.

[From Vol. XII. "Transactions of the Wisconsin Academy of Sciences, Arts, and Letters."]

between the two cities is undoubtedly due to the fact that, while the figures of actual enrollment were made the basis of deduction in Chicago, in Milwaukee the figures of average enrollment were employed.*

The deductive inference suggested by an examination of these figures is: If only .26 of 1 per cent of the pupils are to be found in the twelfth grade, the remaining 99.74 per cent dropped out before reaching the twelfth grade. By the same reasoning it will be found that 97 per cent dropped out before reaching the high school, 78 per cent before reaching the grammar grades, and 32 per cent before reaching the second grade. To put these facts in fractional terms: of the pupils who enter the public schools of Chicago, nearly one-third drop out before reaching the second grade, one-half before reaching the third grade, three-fourths before reaching the grammar grades, nine-tenths before reaching the seventh grade, only three in a hundred get into the high school, and only three in a thousand graduate from the high school.

Simple as this method seems, there are errors in it, some of which would make the per cents too large, while others would make them too small. Such are the double enrollment of pupils (where pupils remain two years in the same grade), the factors of death, increase of population by births, immigration, and annexation, and the employment of a base many times too large.

THE INDUCTIVE METHOD.

The second general method made use of in this study is a correction of several of these objections, since it traces a given class through a period of twelve years as well as can be done from tables of enrollment, after having made the necessary corrections for increase in population and deaths. Yet the results of the method (see Column V. of table on page 72) are still more appalling than those of the deductive method.

Admitting that the truth lies between the maximum and the minimum limits of probable error, an examination of the above table of results, obtained by various methods of computation, will prove of interest. As Column III., or the figures obtained by the deductive method without corrections, is found to be about a mean proportional between the maximum and minimum limits of error,

*The figures of actual enrollment are not published in the Annual Reports of the School Board of Milwaukee, nor are they filed in the office of the superintendent.

the deductive method is recommended as an easy and satisfactory one for ascertaining the duration of school attendance in any city. The results of this method were adopted by Professor Folkmar as the conclusion of his study.

CONCLUSIONS AS TO PER CENTS THAT DROP OUT.

GRADE.	BY DEDUCTIVE METHOD.			BY INDUCTIVE METHOD.		
	I.	II.	III.	IV.	V.	VI.
	Chicago. "Minimum."	Milwaukee. Not actual enrollment.	Chicago. Actual enrollment.	Chicago. Corrected for double enrollment.	Chicago. "Maximum."	Milwaukee. Not actual enrollment.
First	27	35	32	31	43	56
Second	43	51	51	38	54	59
Third	58	65	66	44	66	66
Fourth	71	76	78	54	74	74
Fifth	82	85	86	66	83	81
Sixth	89	91	92	80	89	87
Seventh	93	95	95	82	93	90
Eighth	96	97	97	89	96	
Ninth	98.0	—	98.6	93.1	97.5	
Tenth	99.0	—	99.3	95.4	98.5	
Eleventh	99.6	—	99.7	—	99.1	
Twelfth	100.0	—	100.0	100.0	100.0	

That the conditions found in Chicago and Milwaukee hold true of all schools seems apparent from the fact that no irregularities of enrollment are observable in the entire period covered by these studies (fifteen years in the study of Chicago and eighteen years in that of Milwaukee), such as might be caused by the opening and

closing of private schools, the transfer of pupils from public to parochial schools before confirmation and from parochial to public schools at other ages, by the fluctuations of immigration and emigration, etc. In the case of Chicago, where large annexations have been made, the years 1890 (when the population was increased 40 per cent by annexation) and 1891 (when there was an increase of 10 per cent) exhibit the same regularity. Nowhere except in the first grade do we find as much as a difference of 2 per cent between successive years. The inference is that pupils transferred, annexed, or brought in by immigration from foreign countries, were divided in about the same proportions among the grades in other schools, and thus make no variation in the tables. Dr. Harris, in his report of the public schools of St. Louis in 1871 (page 25), shows that the same law of proportion of enrollment holds true for St. Louis. Similar testimony for the city of London is given by Charles Reed* in a paper read at a meeting of the London School Board.

There is a slight increase in the upper grades and a corresponding decrease in the lower grades, as might be expected, as the result of the betterment of economic conditions and the increased intelligence of the people.

SOME PERTINENT QUESTIONS.

If it be true, as shown by Professor Folkmar's statistical study, that, of the pupils who enter the public schools, one-third never go beyond the first grade, one-half drop out before reaching the third grade, three-fourths never reach the grammar grades, only three in a hundred get into the high school, only three in a thousand graduate from the high school, and that the average schooling received by each pupil is less than three years, is not the question how to retain pupils in school for a longer period of time the most vital of all questions? If conditions of attendance are to remain as they are, is it not of much greater importance to consider *what* to teach rather than *how* to teach? If the average pupil can cover only three grades of work, do we not err in enriching our courses of study with non-essentials (nature study, drawing, sloyd, etc.), and thereby infringing upon the time that should be given to instruction in the essentials (the elements of

* "Ten Years' Results of the London School Board," Journal of the Royal Statistical Society, vol. xliii. p. 676, December, 1880.

the "three R's"), the tools with which the child is to continue his self-education? As between studies for information and discipline, must we not, for the same practical reason, choose the former?

A necessary step in the discovery of a remedy for an evil is a search for the *cause* of the evil. Therefore let us, in undertaking to answer the above questions, consider, one by one, some of the causes of the short duration of school attendance, such as the economic condition of the country, the present inefficiency of the schools, poor compulsory laws for education, and the lack of a popular demand on the part of society for higher educational attainments of the masses.

THE ECONOMIC CONDITION OF THE COUNTRY.

The economic condition of the country is such that children are crowded into factories, shops, and stores, that their labor may assist in their self-support or that the employer may put out his product at a reduced rate. So long as the wage-earning capacity of the laborer is limited to two or three hundred dollars a year, and so long as he may be the father of a large family, just so long will it be necessary for the child to begin early the struggle for his daily subsistence. Again, so long as we have no child-labor laws or only very poor ones, so that it is possible for the employer to substitute the labor of a boy for that of a man at one-half the cost, just so long shall we find the army of idle fathers increasing, shall we find the big boy taking the place of the man, and the little boy taking the place of the big boy. The remedy for this economic condition of affairs I leave for the sociologist and the economist to determine. Once remove the necessity and the possibility of child-labor, and children will remain longer in school.

PRESENT INEFFICIENCY OF THE SCHOOLS.

Inefficiency of Housing Space and Teaching Force.—The city of Milwaukee for the year 1896-97 reported * that she had three high schools with seventy-two rooms, forty-one grammar schools with one hundred and ninety-eight class-rooms, forty-six primary schools with three hundred and forty-seven class-rooms.

* "Superintendent's Report" in the "Thirty-eighth Annual Report of the School Board of Milwaukee," 1896-97, p. 45.

For the same year the average enrollment* for the several grades of the Milwaukee public schools was as follows: kindergarten, 3,230; first grade, 7,359; second grade, 4,272; third grade, 3,744; fourth grade, 3,214; fifth grade, 2,846; sixth grade, 2,226; seventh grade, 1,737; eighth grade, 1,183; high school, 1,374. By consulting the pay-roll and the reports of the principals, I was able to get data as to the number of teachers employed for each grade and also as to the cost of the teaching force for the several departments of the schools.

Briefly tabulated, the number of pupils to the room in the Milwaukee public schools is eighty-one in the kindergarten, sixty in the first grade, fifty-two in the second grade, forty-five in the third grade, forty-nine in the fourth grade, forty-six in the fifth grade, thirty-nine in the sixth grade, forty in the seventh grade, thirty-six in the eighth grade, and nineteen in the high school. Milwaukee employs one class teacher to the room in the primary and the grammar grades. For these grades forty-nine principals and seventy special teachers of German are employed, giving a total teaching force of one teacher to every forty-four pupils in the primary grades, and one teacher to every thirty-two pupils in the grammar grades, while the city furnishes a teacher for every twenty-six pupils in the high school. As to the cost of teaching force, Milwaukee pays for every kindergarten pupil twelve dollars per annum, for every primary pupil fifteen dollars per annum, for every grammar pupil twenty-three dollars per annum, and for every high-school pupil forty-six dollars per annum.

In other words, for the 75 per cent of her school population who get no further than the primary grades she furnishes a room for every fifty-two pupils and a teacher for every forty-four pupils, and pays for teaching force fifteen dollars per annum per pupil; for the 20 per cent who are found in the grammar grades she furnishes a room for every forty-one pupils, a teacher for every thirty-two pupils, and pays for teaching force twenty-three dollars per annum per pupil; for the 4 per cent who get into the high school she furnishes a room for every nineteen pupils, a teacher for every twenty-six pupils, and pays for teaching force forty-six dollars per annum per pupil. The average amount expended by the city in maintaining the teaching force for the education of the 75 per cent of the population is less than sixty dollars per pupil, while for the four-tenths of 1 per cent who graduate from the high

* "Superintendent's Report" in the "Thirty-eighth Annual Report of the School Board of Milwaukee," 1896-97, "Statistical Tables," p. 109.

school she pays for teaching force three hundred and thirty-five dollars per pupil.

Unpedagogical and Unsociological Courses of Study.—Courses of study are overcrowded. An examination of the promotion figures shows that a large per cent of the pupils spend more than one year in a primary grade to complete the work of the grade. In Chicago 45 per cent of the first-grade pupils spend two years in that grade; and of the second, third, and fourth grades, 33, 25, and 10 per cent respectively are enrolled twice in the grade. What is more discouraging to a pupil than to begin work beyond his powers or to be required to travel over the same ground a second time? A course of study so poorly adapted to the capabilities of the average child is unpedagogical.

Too much Time is given to the Non-essentials.—On page 14, "Manual of the Milwaukee Public Schools" (1897-98), I find that in the first grade 800 minutes a week are given to the essentials (reading, language, spelling, arithmetic, and writing), and 625 minutes a week are given to the non-essentials. By comparing this time schedule with those of earlier years, I find that the non-essentials are gradually encroaching upon the time formally allotted to the essentials. In the second grade, 975 minutes a week are given to the essentials, and 525 minutes to the non-essentials. In the third grade, 830 minutes are given to the essentials, and 670 to the non-essentials.

Need of Instruction in the Trades.—Our age is an industrial age,—one in which the masses must earn a livelihood by means of hands more or less skilled. We have no systems of apprenticeship such as prevail in European countries. The schools do not offer instruction preparatory to the occupations that the children must some day choose. Under the present social and economic conditions, society ought to furnish trade schools, where children may elect to spend their time between the ages of twelve and sixteen. No introduction of manual training into the high school or grammar grades can take the place of trade schools. The introduction of courses in typewriting and shorthand into the high school has very materially increased the attendance of the high school. Trade schools for children of grammar grades would fill a long-felt want and would be well attended.

High-school courses are modeled largely to meet the needs of the fraction of the four-tenths of 1 per cent who will enter a university. School patrons, school officers, school teachers, are all blinded to

the needs of the majority of the pupils of the high school — those who must end their formal school education with the high school — by the smooth and high-sounding phrase “on the accredited list.” Such courses of study are the product of the theorizer,— the university school man,— and not of the practical man, of the sociologist. There is danger of our school system becoming top-heavy and aristocratic. Ask any reasoning man whether it is easier to direct the activities of sixty adults or those of sixty children? Which require the greater amount of individual attention? What pupils have formed habits and characters, and are capable of self-direction? What grade is unformed in habits, untrained in character, and needs continual guidance? And yet, despite your replies to these questions, we furnish double the teaching force to the pupil in the high school to that furnished for the pupil in the primary grades. Is not the inference warranted that we should treble the housing capacity and the teaching force of the primary grades? If we cannot furnish a teacher for every thirty pupils in all grades, ought we not to reduce the high-school force for the 4 per cent and give more attention to the 75 per cent? Further comment and suggestion at this point are unnecessary. It is time we removed the high-school mote from our eye in order to see the beam in the primary grades.

LACK OF PUBLIC OPINION.

“Create a popular demand for more education,” replied Mr. J. J. Findlay, of the English Royal Commission, when asked to suggest a remedy for the short duration of school attendance. The Sociologist Ward says much the same thing: “To create a demand for real education of information and its diffusion is a far more arduous duty than to lay down correct rules for carrying out such a system of education.”* This surely is a better answer than that of Colonel Parker,—“Interest the pupils,”—since in the nature of things, of the relation of the child to the parent, the desire of the parent is more effective than the desire of the child. So long as society recognizes that the parent has a right to direct and control the actions of the child, so long will the desire of the former be the chief moving force. While it must be recognized that there is a fair public sentiment already existing, that there is a growing desire that the child shall have better educational

* *Dynamic Sociology*, vol. ii. p. 627.

advantages than those now offered, two things stand chiefly in the way of the realization of this desire. First and foremost, the economic conditions above alluded to, not to speak of other social factors, are such as to render the support of children impossible through as long a period of schooling as many parents desire. Secondly, there are parents in the heterogeneous population of any State whose desires and attitude in this matter are unworthy an American citizen, parents who do not perform the duties which society intrusts to them ; and then there are children with no parents as well as those with worse than none. Would not compulsory education be the remedy for the second difficulty? The first may be met in part (1) by the extension of the parental function of the State to the provision of food and clothing for needy children while in school, and (2) by an increase in the number of public kindergartens. The kindergarten age, from four to six years, is the age when there is the smallest possibility of the child doing anything for the support of himself and family. Why not let these two years be spent in the school so admirably adapted for this period?

POOR COMPULSORY EDUCATION LAWS.

Of the twenty-four States and Territories reporting * compulsory education laws in 1894, more than one-half fix the age from eight to fourteen years. But, to ascertain the real amount of compulsory attendance, we must multiply the number of years by the number of weeks required per year. Illinois thus requires one hundred and twelve weeks, while Wisconsin requires seventy-two weeks. The laws of Wisconsin and Illinois are suited to a pioneer time, to rural districts, and not to thickly populated cities where schools are maintained ten months in the year and where no child need walk two miles to attend school.

The compulsory education laws of both Wisconsin and Illinois are practically ineffective. Wisconsin's law offers five loopholes of escape,—(1) unless "otherwise instructed for a like period," (2) "has already acquired such knowledge," (3) "whose mental or physical condition is such as to render his or her attendance at school and application to study inexpedient," (4) "who lives more than two miles from any school by the nearest road," (5) "who is excused for sufficient reasons by any court of record." The Illinois law offers three loopholes,—(1) "when the child has been

* "Digest of Public School Laws," Report of the Commissioner of Education, 1893-94.

otherwise instructed," (2) "whose physical or mental condition renders his or her attendance impracticable or inexpedient," (3) "who is excused for sufficient reasons by any competent court of record."

Both Milwaukee and Chicago employ truant officers; but, owing to the loopholes in the laws of their respective States, the work of these officers is persuasive rather than mandatory. It is almost impossible to convict a parent or guardian of violation of either of these compulsory education laws. Even if these laws *could* be enforced, the child who has just complied with the requirements of the law would receive but a little over two years of schooling.

These conditions are not peculiar to Wisconsin and Illinois. The average attendance required by the several States and Territories reporting compulsory education laws in 1894 is a little less than that of Illinois. Only three States—Massachusetts, Connecticut, and New York—have anything like an ideal law for compulsory education. Each of these States requires from five to eight years of actual attendance. As to age for the beginning of the period of compulsory school attendance, five States make it seven years, and nineteen make it eight years. The termination of the period is placed at twelve years by one State, at thirteen years by one State, at fourteen by thirteen States, at fifteen by three States, and at sixteen by six States. As to the number of weeks required per annum, twelve, that of Wisconsin, is the least; while Connecticut, Massachusetts, and New York require the most.*

WHAT SHOULD BE THE LIMITS OF AGE FOR COMPULSORY EDUCATION?

When the State makes a law for compulsory school attendance, she must at the same time see that such law of attendance is made possible. With our present economic and social conditions the paramount question with many a father is how to feed and clothe the children while they are in school. For this reason a

* Connecticut requires children between the ages of eight and sixteen years to attend school whenever the public schools are in session. Massachusetts requires all children between the ages of eight and fourteen to attend school thirty weeks each year, and those between the ages of fourteen and sixteen to attend school whenever not regularly employed. In cities where opportunities for industrial training are furnished the age is from eight to fifteen years. New York makes attendance at school compulsory (1) between the ages of eight and twelve years whenever schools are in session, (2) for sixteen consecutive weeks each year between the ages of twelve and fourteen, and (3) between the ages of twelve and sixteen whenever not regularly employed.

compulsory education law that fixes the termination of the age above twelve years, and does not provide for the physical needs of such children, may exact a hardship, if not an impossibility.

The child between the ages of six and twelve years can do little to aid in his support, and during this time should be in school whenever the public schools are in session. A less requirement as to number of weeks should be made for children between the ages of twelve and sixteen, say twelve to sixteen weeks per annum. In addition to the above, children between the ages of twelve and sixteen years should be required to attend school whenever not regularly employed.

REQUISITES TO THE ENFORCEMENT OF A COMPULSORY EDUCATION LAW.

To make the enforcement of a compulsory education law possible, the following must be provided :—

1. A sufficient number of school buildings, school seatings, and teachers,—a large increase over the present supply. Greater New York finds the lack of school room a great obstacle to the enforcement of the most excellent law for the State of New York.

2. Means for physical care during school age of children whose parents are not able properly to care for them,—an extension of the parental function of the State.

3. Laws prohibiting the employment of child-labor between certain ages and restricting it between other ages.

4. Ungraded schools, where pupils may be given more individual attention and be permitted to associate with other children of their own age. The boy of fifteen will not do good work in a second grade with children from seven to nine years of age.

5. Truancy schools for the instruction of incorrigibles, children who are not submissive to proper authority.

6. Truancy officers, whose business is to see that all children between certain ages are in school.

7. Punishment for the parent, employer of child-labor, or truancy officer for each violation of the laws for compulsory education or the protection of child-labor.

CONCLUSIONS.

To sum up the foregoing discussion of remedies, the immediate remedies which are at present feasible, and which under present conditions would be the most effective if enacted, are the following:—

1. A compulsory education law requiring attendance at school between the ages of six and twelve, and whenever not regularly employed between the ages of twelve and sixteen. Such a law would give the child who merely complied with its requirements all the work of the grammar grades instead of less than three years, as is now the case. Such a compulsory education law should be supplemented by child-labor laws, and laws for the physical support of children by the State, when necessary, during the period of compulsory school attendance, and laws for the provision of truancy and ungraded schools.
2. An increase in the number of public kindergartens, thus permitting many to begin their schooling two years earlier.
3. The establishment of public trade schools, where children may elect to spend their time of compulsory school attendance between the ages of twelve and sixteen years.
4. A pruning and remodeling of the course of study on such a basis as will make the sociological tests of the qualifications for good citizenship and the ability of the average child the guides in determining the studies to be taught, the time to be given to each, and the amount of work to be required in any given grade. A relaxing of the grade system, so that those of the lowest rank in abilities, though not able to do the work of all the other pupils, may have the advantages of such studies and discipline in the upper grades as are most suited to their genius.

3. THE EDUCATIONAL VALUE OF THE POPULAR LECTURE.

BY HENRY M. LEIPZIGER, PH.D., OF NEW YORK.

[Read Tuesday morning, August 30.]

The century just closing can claim as its proudest achievement the spread of the belief in the value of education. When Napoleon denied himself to Pestalozzi on the ground that he had no time to bother with A, B, C, he little dreamt that because of the attention which his defeated foe paid to the "A, B, C," her day of triumph would come. Fichte, by his inspiring addresses on the value of education, aroused an interest that has made Germany's school system a model; and when, in 1871, Sedan avenged Jena, it was due to the trained man and the needle-gun.

In most of the countries of Western Europe the century has witnessed the growth of great public school systems, open to all,—schools not for the *poor*, but for the *people*, with the best equipment, the best buildings, the best teachers. As a logical development of this belief has come the establishment of the kindergarten at one end of the educational scale and the State university at the other. These institutions, if they may be so termed, are recognized parts of the educational system. Their establishment has given a broader meaning to the term "school" than we were once wont to admit. Shall the education furnished by the State end with the high school or the university, or shall the State furnish opportunity for a continuance of education to those whose school life has been limited or who acquire later in life some yearning for higher things? In other words, shall democracy accept the motto of the London Society for the University Extension Teaching,— "Man needs knowledge, not as a means of livelihood, but as a means of life"?

It is the belief that the term "school," as hitherto generally understood, is still too narrow in its acceptance, that it has led to the establishment of the movement known as "University Extension." Its objects have been stated to be "the extension of knowl-

edge among people too old to go to school, and unable to give their entire time to study, the cultivating of habits of useful reading, of correct thinking and right conduct, the awakening and stimulating of intellectual life,—all for the purpose of making better citizens, widening social progress, and rendering the conditions of society at large more interesting and enjoyable to its members." It offers :—

1. Education, by means of systematic courses of lectures.
2. Illustrated lectures, in literature, art, and science, with the purpose of teaching the appreciation of the beautiful and rendering life more enjoyable.
3. Lectures on history, civics, and economics, with the purpose of aiding the citizen to study the problems of government.

It will be seen that the chief factor in this movement is the lecture, and the question may be asked whether satisfactory results can be obtained through this medium.

The history of this country shows that the lyceum system in the past supplemented our imperfect schools. It was by means of these lyceum lectures that the great leaders of the abolition movement reached the hearts of the people. It is through the speaker and the orator that the people are still roused to action.

The lecture of to-day, and to which I refer, is, however, a lecture not given necessarily by an orator, but by a teacher, whose purpose is not to sway, but to instruct, not to persuade, but to inform. That the lecture is a popular form of instruction may be gathered from the fact that through the Brooklyn Institute, the extension of the University of Chicago, the American Society for University Extension, and the Free Lectures of New York City, during the past season, at least a million auditors were reached. This certainly shows that popular lectures appeal to large classes of people; and the growth in attendance proves, further, that the value of the popular lectures as an educational force is on the increase.

The University Extension movement has, however, in the main, been applied to villages and small cities. It has not taken deep root in larger cities. Its methods were, perhaps, too formal. To adapt it to the conditions of a great city like New York, and achieve success, is quite a victory for the cause of the people's education.

The brief story of the New York course will therefore at once fortify the faith in the belief in the lecture as an educator for adults, and stimulate similar movements in other cities.

The University Extension movement begun in England has been the inspiration for the Free Lecture movement of New York City. Begun in 1889 with many misgivings, its growth and success have exceeded the most sanguine expectations of its supporters; and the natural result of its existence is a larger intercourse with books and wider diffusion of reading.

The lecture course of New York City had its origin in the firm faith in the value of the widest and most broadly diffused popular education, in the belief that this republic of ours can endure only if the men and women who control it are cultured and intelligent, who appreciate the fact that in this nineteenth century it is enlightened public opinion that guides the destiny of nations, and that to help in the making of the wisest, sanest, broadest, and humanest public opinion is the noblest use to which men can put their knowledge and inspiration.

How does the work of the Free Lectures serve the end of which we speak? By creating missionaries of light and truth. By establishing intellectual power-houses, whose light becomes eternal, that is given freely to all, that illumines with its radiance the home of the poorest as well as the richest, that gives a new trend to many a human being, and brings a new hope to many a soul.

The movement of which the free lecture course is a part is sometimes known as University Extension. In many of the reports of the movement in other parts of the country and in other countries, I find it stated that the working people do not attend in as large numbers as they should. I am happy to state that our audiences are almost all composed of "working people." Our lecture halls are near their homes. These lecture halls being generally the school-houses, the school by its use for this purpose becomes an educational centre in a broad sense, and by use in this manner is paving the way for the time when in each Assembly District of our city there shall be a municipal meeting-house, with its library, reading-room, and assembly hall, where citizens can meet to discuss those broad non-partisan questions which affect their general well-being.

Lectures were given in forty-one different places during the past year (1897-98), distributed over what is now known as the Boroughs of Manhattan and the Bronx. In all, 1,595 different lectures were given. About 175 lecturers participated, and the total attendance reached 509,000. These figures, however, do not convey the real significance of the movement. The continuity of in-

terest is the most satisfactory sign. The demand for the lectures, the many expressions of pleasure and of benefit derived, all indicate that this scheme for adult education has come to stay. Eight years ago 185 lectures were given in six places, about 25,000 was the total attendance: now forty places, and an attendance of half a million. Has not an intellectual appetite been created, and, like other appetites, does it not grow by what it feeds on? The audiences that roll up the half million of volunteers responding to the bugle-call of education represent all the varied elements that make up our heterogeneous metropolitan life; and I firmly believe that the war just closed, sad and deplorable as war is, has unified, as no other force could, the varied elements of our nation, so that slowly but surely through the medium of these lectures a great solidarity, a better civic pride, a truer Americanism is being developed. How could it be otherwise, if you survey what has been presented to these half million of learners by the two hundred teachers? Every realm of human knowledge is represented. The aim has been to get the best information possible and to present it in a popular form, so that the truth may reach the largest number.

The subjects during the past winter have all been arranged in courses of from four to ten each. Let me just name a few of these courses: —

Six lectures on "Electricity" have been repeated seven times.

Six lectures on "Geography of the United States" have been repeated twenty-seven times.

Six lectures on "American History," including "Representative Americans" and "National Government," have been repeated twenty-six times.

Six lectures on "Literature" have been repeated nineteen times.

Six lectures on "Astronomy" have been repeated seven times.

Six lectures on "The Human Body" have been repeated ten times.

Five lectures on "First Aid to the Injured" have been repeated four times.

Ten lectures on "History of Civilization" have been repeated once.

Six lectures on "Music" have been repeated twelve times.

Six lectures on "History of New York City" have been repeated seven times.

Six lectures on "Municipal Government of New York City" have been repeated four times.

Five lectures on "Descriptive Geography" have been repeated twenty-five times.

With all the courses of lectures, a syllabus, containing a selected bibliography, was distributed ; and at many of the courses, particularly on historical and sociological subjects, a discussion between the audience and lecturer continued, lasting frequently until the janitor reluctantly reminded the lecturer of the flight of time. With the aid of the course of lectures on "First Aid to the Injured" a medical handbook was distributed, and at the close of the course an examination was held and certificates issued to those who passed it creditably. These facts are told to bring more clearly before you the truth that the chief purpose of the lecture course is education. And I therefore say that, considering the serious nature of the subjects treated, the result of the course just closing is most gratifying. It has proven that the people are awakening to the fact that education is a continuous performance, that the school gives but the alphabet, that the words must be formed during life.

One further feature of last season's work, just begun, deserves more than a passing notice. The experiment of bringing the library into close connection with the lectures was made. Books relating to the topics treated at the various lectures were borrowed from the Free Circulating Libraries, and lent to such of the auditors as desired to continue their reading. Never were there enough books to satisfy the demand, and all the books were given without any of the customary safeguards used by libraries. All the books have been safely returned.

If it is a just matter of pride to know that a good work is being imitated, it is pleasant to report the fact that I had the honor of being invited to Boston last November to tell the story of the Free Lecture movement at the Twentieth Century Club at that city. It was certainly a satisfaction to feel that New York could contribute something to Boston. As a result of the interest awakened, a course is already in operation. The University of Chicago is doing similar work. It is possible that Philadelphia will follow ; and several of the cities near by,—Newark, Jersey City, and Hoboken — have adopted the plan.

The problem grows with its growth. To give fifteen hundred lectures each year, to have each individual lecture interesting to a

mixed audience, to maintain a high ideal and still be popular, to express scientific truth and still avoid technicalities, is indeed a most difficult task. Perhaps the solution can only be found by calling into life a body of men who shall devote themselves to this work of popular education.

The fact has been established that the people will come, that the nation will go to school. During the coming year two kinds of lectures will be established,—one for larger audiences, where subjects that appeal to large bodies can be treated, and the other more special in its nature, and where those only will come who are interested in that particular subject. That the entire winter, at any particular centre, be devoted to but one or two subjects, and that definite courses of reading or study can be followed. I am sure that by this time we have prepared some such body of students. The division that I have suggested will satisfy those who are already prepared for higher study and those who are just entering on the appreciation of the delights of intellectual pleasure; for believing, as I do, in the educational purpose and value of these lectures, I also believe, to a certain extent, in their wisdom from the recreative side. The character of our pleasure is an index of our culture and our civilization. A nation whose favorite pastime is the bull-fight is hardly on a plane with one that finds pleasure in the lyceum lecture. So, if we can make the pleasure of our people consist in the delights of art, in the beauties of literature, in the pursuit of science or the sweet influence of music, and gradually turn them away from so much that is lowering in our midst, are we not doing a real public service? And is not this theory the real foundation on which the support of the free public library rests? Is not refinement, too, one of the ends for which we are aiming,—not alone knowledge, but culture, not alone light, but sweetness? And, if we can turn our youth from the street corner to the school playground, transformed into a temple of learning, are we not helping to that end? One thing can positively be said as a result of this lecture movement: that there is a constantly growing element in New York that is looking for intellectual and spiritual guidance, who welcome the knowledge of the scientist, are moved by the skill of the artist, are touched by the words of the orator, and inspired by all to loftier lives. And it seems to me that the men who spend their lives in accumulating knowledge, in adding to the world's treasury of wisdom, should find the greatest delight in its dissemination.

It has given me the greatest pleasure to receive letters from university professors, who looked at the beginning with some slight scorn upon the attempt to popularize knowledge, in which they now admit their change of view. They certainly have carried out the advice of one of the speakers at a certain college dinner to some professors,—“that they should rise superior to their own superiority.”

The scholar owes his highest duty to the State. It is his duty to do what he can to raise the moral tone of the community in which he lives, to be of it, not above it, not to be lost in the mass, but to help lighten it. And never was that duty more demanded than in a great democracy, for our republic is still on trial. Nobly is it weathering the gales that beset it, for the popular conscience has always responded to the right. So I say the highest duty that our scholars can perform is to bring their knowledge and raise the average. We have faith in democracy; and we believe that through popular education, as Mr. Larned says, “the knowledge of the learned, the wisdom of the thoughtful, and the conscience of the upright will some day be common enough to prevail over every factious folly and every mischievous movement that evil minds or ignorance can set astir.”

It is popular education that must give the great body its ideals. The Civil War was a campaign of education. A sound finance will be the result of education; and the war through which we have passed is a campaign of education. An advance in the reasons for going to war has been established, another step made toward the care of the under-dog, and another move toward the time when “the war-drum shall roll no longer, and the battle-flag be furled in the parliament of nations, and the federation of the world.”

One feature of the New York system that differentiates it from all other so-called Extension movements is that it is supported by the city, and is put on the same plane as the public school and the public library. Some of the most ardent advocates of University Extension believe in voluntary action, and support by those who desire the lecture course. To me it seems that the same arguments apply to the public school, the public museum, and the public library. From the idea that education is a privilege, we are being trained to believe that it is a duty, and that the duty devolves upon the State. We believe with Emerson that the world exists for the education of man; and in that belief we

would have the State act in the spirit of Ezra Cornell, when he wrote as the motto of the university he founded: "I would found an institution where any person can find instruction in any study."

In a recent address Lord Salisbury referred to the power which public opinion exerts. This deference to public opinion is the triumph of democracy. How important it is that public opinion should be sound, and that the democracy which wields the power shall wield it in obedience to lofty ideals and pure motives!

To give those ideals, to furnish the inspiration to plain living and lofty thinking, to spread abroad the truth that shall make men free, is the purpose of what we have styled the University of the Busy, to adopt Professor Moulton's phrase, the Free Lecture Course of New York.

[At the conclusion of Dr. Leipziger's address, Professor W. F. Blackman, of Yale University, read a paper entitled "Is Society an Organism?" Professor Blackman is not prepared to submit his paper to the Journal for publication; but it may be remarked by the Editor that his address was, in substance, a comparison of the current biological interpretations of society as set forth by Comte, Lilienfeld, Schaeffle, Spencer, Small, and René Worms, with the newer psychological interpretation of Tarde, Durkheim, Simmel, Giddings, and Baldwin.

It was held by the speaker that a human society cannot be regarded as an organism, nor as in essential respects *similar* to an organism: it is a group of free persons in association together, being thus rather a psychological and ethical than a biological phenomenon. The sociological and moral implications and issues of these two views were then pointed out. With the presentation of Professor Blackman's paper, opportunity was afforded members of the Association to debate the opinions set forth by the various speakers at the morning session; also, to ask further questions as to views and methods proposed. What follows is the official stenographic report of such debate, reduced by the Editor, as elsewhere in such reports, to meet the space limitations of the Journal. But, owing to the temporary absence of the stenographer at the beginning of the discussion, certain contributions thereto were written out from recollection by the debaters, and revised for publication.]

DISCUSSION.

With reference to Mrs. Folkmar's paper, President Baldwin said:—

Mrs. Folkmar has presented to us a particularly valuable set of statistics; and they have led her, it seems to me, to sound conclusions. She has attacked our system of public schools at both ends. If the great majority of American children stay at school only long enough to receive the rudiments of primary education, surely their instruction should be centred upon those rudiments which are essential, and universally conceded to be essential. "This wise world is mainly right"; and, if our children are taken

so early out of the public school, it is because there are strong reasons for it. It is a fact to be accepted for the present generation of children, at least; and we must make our plans of education in view of it. And when we add to the forty-six dollars which is paid to our high-school teachers for each of their pupils a fair equivalent for the interest on the plant, and the cost of light, heat, and repairs, we shall find that every boy or girl costs the public seventy-five dollars a year. When not half of one per cent. remain to complete their course, we may well ask if the high school is not devouring the substance of the primary school, and doing so — as far, at least, as preparation for college or university is concerned — to little purpose?

I do not think we have given due consideration as yet to the work of the public library in secondary education. These libraries are now scattered in many States through a large proportion of the smaller towns, and they are found in every large one. They do what the high school used to do, and they often do it better. As I was walking through a New England city, a few years ago, with a judge of the highest court in the State, he pointed to a public library which we were passing, and said, "There was my university."

A boy is not driven to a library. He goes for what he wants, and it is generally for what he needs. Every such storehouse of learning is worth many teachers, and may justly lead to more economy in teaching force.

Hon. F. B. Sanborn, of Concord, remarked that "essential" and "non-essential" were important categories in school education, but "possible" and "impossible" were perhaps more important. Desirable as it might be to carry school-children through all the grades of the school curriculum, it was virtually impossible, and had never been done in any country, nor in any city or fortunate town. Nor was it easy for the most experienced to establish a perfect curriculum for even one child, much less for millions. Much of the education he had received or known in others came from reading. Hence the importance of libraries, as President Baldwin had said. He would include music among the essentials of the lower grade, since it led both to self-education and to association with others, and because one great lack of America is *æsthetic training*.

Professor Jenks, of Cornell University, said: —

With the general conclusions of a paper based on so thorough an investigation I should hardly venture to differ, but I should like to comment somewhat upon a few of the minor points touched upon.

From the statistics quoted in the paper, it might seem that too large a proportionate share of time and money is now devoted to

the needs of the pupils in the high schools. We ought not, however, to overlook the fact that it is from the pupils in the high schools that the corps of teachers in the lower grades is recruited. If we, therefore, in any way sacrifice the excellence of the high school training, we are sacrificing, at the same time, the excellence of the work done in the lower grades. I should object, therefore, to a less absolute expenditure of money for the high schools, though I should advocate, most strongly, a larger expenditure for the lower grades.

It has been my habit to judge the love for scholarship and the higher intellectual life of high-school teachers by the proportion of their pupils in whom they had inspired similar tastes to so great a degree that they felt impelled to take a university course after leaving the high school. The chief influence that tells upon pupils is the personality of the teacher. The force of this personality should be felt no less in the lower grades than in the high school, but it goes without saying that this influence of one's personality must be much less when the teacher has seventy pupils than when she has only twenty or thirty. She cannot give the individual the attention needed. This is the chief reason why more teachers should be provided.

The chief trouble lies with the school boards. They are ordinarily chosen from among our upright, thrifty business men, who, in spite of their many excellent qualities, have little knowledge of the real needs of the school-room. They are expected to save the money of the tax-payers, and it is natural that they should think first of the economic condition of the schools. They find many teachers willing to serve at low wages, and willing to teach large classes. Not appreciating the evil results of permitting too great an expenditure of energy on the part of the teacher, it is natural that they should engage such teachers, and save money for the tax-payers. The problem of the overcrowding of the lower grades will not be solved readily, and it must be solved finally by so educating public opinion that the real needs of the school will be more fully appreciated.

Secretary ROOT. — I would like to ask if Dr. Leipziger himself is the founder of this free lecture course, or who suggested the idea to the Board of Education in New York?

Dr. LEIPZIGER. — The matter came from two or three sources, and I have been connected with it since its inception. It came, originally, from a suggestion made by the *New York World*. The *World*, about ten years ago, suggested, among other things, the idea of giving lectures and utilizing the school-houses more than they had been, and suggested that lectures should occasionally be given on scientific topics. Senator Lyle, then a member of the legislature, introduced a bill giving the Board of Apportionment, which distributes the city's money, power to distribute this money. The board granted the sum of \$1,500 to make this experiment ten years ago. Last year the board granted over \$60,000 of the same fund for the same purpose. I expect when the board

meets, in about a month, it will be asked to expend at least \$100,000 for this purpose during the coming winter.

Hon. ST. CLAIR MCKELWAY. — What use is made of that money? How much is expended relatively for light, for rental, if any, for apparatus, and for lecturers?

Dr. LEIPZIGER. — Fees to lecturers and the illustration of the lecture: the balance is spent in the payment of aids to the lectures. The janitor gets an extra fee. We advertise in the daily press, and in those papers that reach the workingmen, the one-cent paper. We have a large amount of printing done,—printing of these different syllabuses and the notices issued to parents. We have discovered a novel way of advertising. We issue every month a little sheet containing a list of the lectures, and give one to each child in each school centre. The child becomes the distributing medium, and takes the sheet home to his father and mother. The value of this scheme can be judged when I say that the lectures are mostly attended by adults; and you will be surprised to see how many elderly people attend; and you will recognize the importance of this fact when I tell you that in most of these places the lecture hall is on the top floor of the building, and with many steps to climb. So we can really say these people are climbing the temple of learning. It is also a fact that a very large proportion of this attendance is made up of women. And, as one of the speakers referred to the fact that Mr. Poole, of Chicago, said that the Bohemians were the most attentive and best readers of Chicago's public library, I am glad to say that in those portions of the city that are known as the most unsavory—for instance, one portion known as Hell's Kitchen,—we have the best attendance, the most earnestness, and the most diligent listeners.

A GENTLEMAN. — Would you mind telling how much the lecturers receive?

Dr. LEIPZIGER. — The lecturers have all received \$10 apiece for each lecture. Many lecturers come from the platform where they have received \$100 the night before, and often more, and deliver the same lecture for \$10.

Mr. MCKELWAY. — I have been an advocate in my profession of this plan of lectures from the first. Every year's experience has increased the reason for upholding them. Their influence in the Borough in which I live is extending. Their value in the Borough in which Dr. Leipziger is active is shown by the increased preparation made for them by successive city governments of all shades of political opinion. I value very highly the educational advantage of this function. This is a generation for the children, but the parents of those children have not enjoyed the advantages they are proud to be able to command at the charge of the State for their children; but this extension of the lecture system upon educational plans brings to the parents, as you have heard,—to the mothers, in particular, the advantages that they are proud their children possess. And I do not know of any more benign, any more successful, any more uplifting, any more encouraging sign of moral advancement in our city life than is supplied by the success of this lecture course, unless it be the experience of the University of the State in the adoption of the library as an educational factor in this literally revived and revitalized Commonwealth of New York.

4. THE USES OF HIGHER EDUCATION.

BY HON. WILLIAM T. HARRIS, LL.D., U. S. COMMISSIONER OF
EDUCATION.

[Read Tuesday evening, August 30.]

It has been a question of time only, during the past twenty years, when we as a nation should take an active part in the management of the affairs of the world, when we should be counted with the others as a sixth great power in the government of Asia, Africa, and the Isles of the Sea. It was a movement to be postponed rather than hastened by the patriotic citizen. When our power of producing wealth is increasing out of proportion with the rest of the world, and when our population is swelled by waves of migration from Europe, why should we be in a feverish haste to precipitate the new era of close relationship with the states of Europe that lie beyond the parting of the ways and the beginning of an essentially new career? Most of what is old and familiar to us must change and give place to new interests. Once the United States enters upon this career, all its power and resources must be devoted to adapting it to the new situation and defending its line of advance, for it cannot move back without national humiliation.

This very summer we have entered upon our new epoch as an active agent in the collected whole of great powers. This new era is one of great portent to the statesmen of America. All legislation hereafter must be scrutinized in view of its influence upon our international relations. We cannot any longer have that smug sense of security and isolation which has permitted us to legislate without considering the effect of our action on foreign nations. Hereafter our foremost national interest must be the foreign one; and, consequently, our highest studies must be made on the characters, inclinations, and interests of foreign powers. It is obvious that this study requires a greater breadth of education, more careful studies in history and in the manners and customs of European nations, their methods of organizing industries, as well as their

method of organizing armies and navies. We must even master foreign literatures, and see what are the fundamental aspirations of the people who read them. All this study concerns the system of education in this country. It indicates the function of the schoolmaster in the coming time.

The new burden of preparing our united people for the responsibilities of a closer union with Europe and for a share in the dominion over the islands and continents of the Orient,—this new burden will fall more particularly on the colleges and universities that furnish the higher education; for it is higher education that must direct the studies in history and in the psychology of peoples which will provide for our ministers and ambassadors abroad, their numerous retinues of experts and specialists thoroughly versed in the habits and traditions of the several nations. The knowledge required by our members of Congress and our executive departments will make a demand upon higher education for post-graduate students who have concentrated their investigations upon points in international law and the philosophy of history. Diplomacy will become a great branch of learning for us.

The education of the elementary school fits the citizen for most of his routine work in agriculture, manufactures, commerce, and mining. But the deeper problems of uniting our nation with the other great nations, and harmonizing our unit of force with that greater unit, must be solved by higher education; for it alone can make the wide combinations that are necessary. Shallow elementary studies give us the explanation of that which lies near us. They help us to realize our immediate environment; but for the understanding of deep national differences, and for the management of all that is alien to our part of the world, deeper studies are required. The student must penetrate the underlying fundamental principles of the world history, in order to see how such different fruits have grown on the same tree of humanity. We must look to our universities and colleges for the people who have learned to understand the fashions and daily customs of a foreign people, and who have learned to connect the surface of their everyday life with the deep national principles and aspirations which mould and govern their individual and social action.

What with the extent of our public elementary schools and the continual instruction derived from newspapers, magazines, and books throughout life, we seem to have a population of self-educated men and women. One would expect a relative decrease

of attendance on the college and university. He who runs may read; and, certainly, the hours of leisure from business are sufficient to make the habitual reader a learned man by the time he crosses the meridian of life. In a national career full of opportunities we should expect a growing impatience of long school terms. Eight years in the elementary schools, followed by four years in secondary schools and then four years at college, followed by a three-year term of post-graduate study,—how can the American youth be made to undertake so much?

It is a complete surprise for us to learn the actual statistics in regard to the schooling of our people.

In 1872 the records of higher education show for the entire nation an enrollment of 590 students in each million of inhabitants,—a little more than one college student, on an average, for each community of two thousand population.

Not only did the growth of schools for higher education keep up with the growth in population, but the enrollment increased, year by year, until in 1895 (twenty-three years later) instead of 590 students we had 1,190 in each million. The quota had doubled, and it has since increased. And it is the more surprising when we call to mind the fact that the standard of admission to the Freshman Class has been placed much higher. The *élite* colleges have followed the lead of Harvard for twenty-five years, and their requirements for admission demand nearly two years more than was needed fifty years ago. Even the colleges that have resisted the tendency to raise standards of admission have been obliged to yield, some more and some less. Considering the amount of work counted as higher education fifty years or even twenty-five years ago, and now performed by high schools and academies, we are right in affirming that the quota receiving higher education in each million of people is three times as great as twenty-five years ago.

But it is not numbers alone that have changed. The work performed in higher education has changed still more. In fact, it is now in process of unfolding a second phase of work quite as important as that which it has performed since the beginning. To a course of study for culture—the so-called course in philosophy, the academic course in the humanities and mathematics—it has been in process of adding a course of three years of special work in the laboratory or in the seminary—the student choosing his narrow field and concentrating on it his entire attention for three years, and at the end receiving a doctor's degree. This second

part of the course of study in the university is a discipline in original investigation.

The student in his elementary, secondary, and the first part of the higher course of study, has been in search of culture. He has mastered, one by one, the several branches of human learning in their results and in the elements of their methods, but certainly not in their working methods, their practical modes of investigation. Now in the second part of higher education the student selects a small field, and masters it practically, not merely learning what others have done in it, but pushing his research into new fields until he can say with assurance, I have made new discoveries in a limited field of human endeavor; and am become, to a small extent, an original authority.

Certainly, this doubles the value of higher education, although the new field, the field of specialization, is in no sense a substitute for the other field, that of the mastery of the lessons of human learning.

Within the short period between 1872 and 1897 we have seen the feeble infancy of the method of original investigation grow to a sturdy youth. The next quarter-century will see the youth come to a vigorous manhood, and vast numbers of young men and women undertake the special investigations necessary to solve problems arising in our civilization,— problems relating to material environment and problems relating to the adjustment of social, political, and international problems.

The number of students reported as engaged in post-graduate work in all our colleges and universities in 1872 was only 198. This has increased steadily, doubling once in five or six years, until in 1897 the number was 4,919. From less than two hundred the post-graduates have increased to nearly 5,000. They are twenty-five times as numerous.

Professional students, too, have increased. The number studying law, medicine, and theology in 1872 was only 280 in each million of inhabitants. In 1896 the 280 had become 740 in the million.

In the same quarter of a century, scientific and technical schools have multiplied. In the six years from 1890 to 1896 the number of students in engineering and applied science increased from 15,000 to nearly 24,000 (14,869 to 23,598).

In the first days of higher education it was naturally believed that only the professional schools for law, medicine, and divinity,

needed a preparation in the college course. Now it is beginning to be seen that the most practical occupations, those for the procurement of food, clothing, and shelter, as well as those for the direction of social and political life, need, also, the studies that lead to the B. A. degree, as well as the specializing post-graduate studies that lead to original combinations in industry and politics.

Post-graduate work, as it was in 1872, had not fully seized the idea of original investigation. There was a dim idea that higher education should end as it had begun; namely, as a system of set lessons with text-books and recitations. Post-graduate work should be a continuation of undergraduate work. The idea of the laboratory for experiment and research, and of the seminary and library for original investigations in history, politics, archæology, and sociology, has developed within that time for us. Other nations (one thinks especially of Germany) have had this for a longer period. The significance of this precious addition to our system of education will become clear if we go over, for ourselves, some of the grounds which make higher education more useful and productive than elementary and secondary.

There is something specific in higher education, as it exists in the college, which gives an advantage to its graduates, in the way of directive power, over their fellow-citizens. Elementary education is a defective sort of education, not merely because it includes only a few years of school work, but because its methods of study and habits of thought are necessarily crude and inadequate.

The elementary course of study is adapted to the first eight years of school life, say from the age of six to that of fourteen years. That course of study deals chiefly with giving the child a mastery over the symbols of reading, writing, and arithmetic, and the technical words in which are expressed the distinctions of arithmetic, geography, grammar, and history. The child has not yet acquired much knowledge of human nature nor of the world of things and forces about him. He has a tolerably quick grasp of isolated things and events, but he has very small power of synthesis. He cannot combine, in his little mind, things and events so as to perceive whole processes. He cannot perceive the principles and laws underlying the things and events which are brought under his notice. He consequently is not able to get much insight into the trend of human affairs or to draw logical conclusions from convictions or ideas.

It is a necessary characteristic of primary or elementary instruc-

tion that it must take the world of human learning in fragments, and fail to give its pupils an insight into the constitution of things. Let any one who claims the most for elementary methods of instruction say whether his pupils, at ten years old, are capable of such a comprehensive grasp of any subject as will become possible after four years more of good teaching. Let the ardent believer in scientific method say whether the child can learn, at twelve years, to make allowance for his personal equation and subtract the defects of his bodily senses from his inventory of facts of nature. Is it to be expected that a child can free himself from prejudice, not to say superstitions, at that age, and that he can discriminate between what he actually sees and what he expects to see? It is somewhat better in the ages from fourteen to eighteen.

The education of high schools, academies, and preparatory schools—what American writers call secondary schools,—begins to correct this inadequacy of elementary education. The pupil begins to see things and events as parts of processes, and to understand their significance by tracing them back into their causes and forward into their results.

While elementary education fixes on isolated things, secondary education deals with the relations of things and events in groups. It studies forces and laws, and the mode and manner in which things are fashioned and events accomplished. To turn off from occupation with dead results and to come to the investigation of the living process of production is a great step.

Where the pupil in the elementary school studies arithmetic and solves problems in particular numbers, the secondary pupil studies algebra and solves problems in general terms; for each algebraic formula is a rule by which an indefinite number of arithmetical examples may be worked out. In geometry the secondary pupil learns the necessary relations which exist between spatial forms. In general history he studies the collisions of one nation with another. In natural science he discovers the cycles of nature's phenomena. In acquiring foreign languages, he studies the variations of words to indicate relations of syntax, he becomes acquainted with the structure of language, in which is revealed the degree of consciousness of the people who made it and used it. Language reveals all this, but not to the youth of sixteen. He gets some glimpse, it is true; but it will take years for him to see, as a consistent whole, the character of a people as implied in its mode of speech. For, to do this, he must be able to subtract his

personal equation again. He must be able to see how things would seem to him if he did not think them in the highly analytic English tongue, but in a language with inflections like Latin, Greek, or Sanscrit, in a language like the Chinese, where even the parts of speech are not clearly differentiated and no inflections have arisen.

But the most serious defect of secondary education is that it does not find a unity deep enough to connect the intellect and will, hence does not convert intellectual perceptions into rules of action. This is left for higher education. A principle of action is always a summing up of a series. Things and events have been inventoried and relations have been canvassed: the result must now be summed up, the conclusion must be reached before the will can act. If we act without summing up the results of inventory and reflection, our act will be a lame one; for the judgment will remain in suspense.

We may contrast elementary education and secondary education with the education that comes to the illiterate from experience. He may, as a locomotive engineer, know all the safe and all the dangerous places on his road. He may know every tie and every rail, but in this he knows one or two processes and their full trend. He is limited by his own individual observation. The man of books, on the other hand, has entered into the experience of others. Books have given him a knowledge of causes. He can explain his particular experience by carrying it back to its cause. In the cause he sees a common ground for the particular fact of his experience, and also for the endless series of facts really present, only in the experience of other men, present and past, and only possible for his experience in an endless time.

Thus even elementary and secondary education, though inferior to higher education, lift up the boy or girl above the man or woman educated only in the school of experience. They have attained that which will grow into a much broader life. They will be able to interpret and assimilate vast fields of experience, when once they encounter them in life; while the illiterate is quickly at the end of his growth, and what he has learned will not assist him to learn more.

This relation of illiterate experience to elementary school education helps to understand the defect of elementary as compared with secondary, and secondary as compared with higher education.

It is the glory of higher education that it lays chief stress on the comparative method of study, that it makes philosophy its leading discipline, that it gives an ethical bent to all of its branches of study. Higher education seeks as its first goal the unity of human learning. Then, in its second stage, it specializes. It first studies each branch in the light of all others. It studies each branch in its history.

A good definition of science is that it unites facts in such a way that each fact throws light on all facts within a special province, and all facts throw light on each fact. Nature is first inventoried and divided into provinces — minerals, plants, animals, etc., geology, botany, zoölogy. Thus secondary education deals with organizing of facts into subordinate groups, while higher education undertakes to organize the groups into one group.

The first part of higher education — that for the B. A. degree, as we have said already — teaches the unity of human learning. It shows how all branches form a connected whole, and what each contributes to the explanation of the others. This has well been called the course of philosophy. After the course in philosophy comes the selection of a specialty, for there is no danger of distorted views when one has had the vision of the whole system of human learning. Higher education cannot possibly be given to the person of immature age, for the youthful mind is immersed in a sea of particulars. A college that gave the degree of B.A. to students of eighteen years would give only a secondary course of education, after all, for it would find itself forced to use the methods of instruction that characterizes the secondary school. It would deal with subordinate groups, and not with the world-view. The serious tone of mind, the earnest attitude which inquires for the significance of a study to the problem of life, cannot be formed in the normally developed student from fourteen to eighteen years of age. But at eighteen years of age the problems of practical life begin to press for solution. This in itself is a reason for the demand for philosophy, or for a measure that may settle for him the relative value of each element of experience. The youth of proper age to enter on higher education must have already experienced much of human life, and have arrived at the point where he begins to feel the necessity for a regulative principle, or a principle that shall guide him in deciding the endless questions which press upon him for settlement. He must have begun to ask himself what career or vocation he will choose for life.

Dr. Charles F. Thwing, president of Western Reserve University, a few years ago was at the pains to hit upon a novel method of comparing the college graduate with the rest of society. He took the six volumes of Appleton's *Cyclopædia of American Biography*, and counted the college graduates in the list of over fifteen thousand names. A little more than one-third of all were discovered to be college men. A safe inference was that one out of ten thousand of the population who have not had a college training had become of sufficient note to be selected for mention in a biographical dictionary, while one out of each forty of our college men finds his place there. The chance of the college man, as compared with the non-college man, is as 250 to 1, to become distinguished as a public man of some sort,—soldier, naval officer, lawyer, statesman, clergyman, teacher, author, physician, artist, scientist, inventor,—in short, a man with directive power of some kind, able to combine matter into a new and useful form, or to combine men in such a way as to reconcile their differences and produce a harmonious whole of endeavor.

It is easy to enumerate the influences of the university, and to see their great transforming power. Its distinguished professors, its venerable reputation, the organization of the students and teaching corps into an institutional whole, the isolation of the student from the strong ties of the home and the home community; all these taken together are able to effect this change in method when brought to bear upon a young man for four years. He acquires an attitude of mind which we have already described as critical and comparative. It is at the same time conservative. He has learned to expect that the existing institution may have deeper grounds for its being than appear at first sight; while, on the other hand, the mind trained in elementary and secondary methods is easily surprised and captivated by superficial considerations, and has small power of resistance against shallow critical views. It is easily swept away by a specious argument for reform, although we must admit that duller, commonplace intellect that has received only an elementary education is apt to follow use and wont, and not question the established order. It is the brighter class of minds that stop with the elementary school which become agitators in the bad sense of the term. The restless and discontented class of people, those who mistake revolution for reform, are recruited from the elementary ranks. But the commonplace intellect has no adaptability, or, at least, small power of readjust-

ment, in view of new circumstances. The disuse of hand labor, and the adoption of machine labor, for instance, finds the common laborer unable to substitute brain labor for hand labor; and it keeps him in the path of poverty, wending his way to the almshouse.

This is the primary view of the world adopted by so many of our "self-educated" men — I admit them to be men of great merit, so far as good intentions and persistent industry are in question. It explains why so many self-educated men are men of hobbies, or "fads," as they are called in the slang of the day. A hobby, or fad, is some fragmentary view of the world set up for the central principle of all things. It has been stated that the man with a hobby does not see his favorite subject in its just relations,—does not comprehend its process of origination nor see how it implies the existence of other things. He does not understand the interdependence of all things. In contrast to him stands the old-time graduate of college, before the admission requirements had been raised. He received the first part of higher education, the culture side of it as he does now. It gave him his view of the world. It is true that the family and the church give to the child his view of the world, but they omit the logical connections. The child does not think out the results nor see their grounds, nor does he apply that view of the world as a measuring-rod to the branches of knowledge.

The lawyer, after working years and years over his cases, comes by and by to have what is called a "legal mind," so that he sees at a glance, almost as by intuition, what the law will be in a new case. So in the four years of college undergraduate life the student gets an insight which enables him to decide immediately a phase of the problem of life. He forms a habit of mind which inquires constantly of each thing and event, How does this look in the light of the whole of human learning? What is the "good form" which the consensus of the scholars of the world has fixed for this? He learns at once to suspect what are called "lame" and universal panaceas as one-sided statements. The wisdom of the race begins to form a conscious element of his life.

While the first part of higher education gives this general insight into what is good form in view of the unity of human learning, the second part—that which teaches methods of original investigation—should be made accessible to all students of colleges and universities.

For this purpose endowments are needed, first in the form of fellowships, which will enable the student to live comfortably while he is preparing himself for his doctor's degree. A second kind of endowment may promote research, and take the form of prizes for special investigations.

The laboratories and seminaries of this post-graduate course may and do take up the practical problems of the life of the people. These are capable of immense benefit in sociology and politics, to say nothing of the industries of the people, rural and urban. The entire civic service of the United States should find employment for experts armed with methods of original investigation and with the readiness and daring to undertake the solution of problems which offer themselves perpetually in our civil life. The town council, the board of public works, the various directive powers which manage the affairs of the State and municipality, are in constant need of light; and the student of the post-graduate department of the university is the person needed to furnish by his special studies the aggregate result of the experience of the world in answering these practical and theoretical wants. In a country studying ever new political questions in sociology the student who obtains his doctor's degree from the post-graduate course can apply his knowledge, and apply it rationally without losing his self-possession.

Since 1880, when our census showed a population of more than fifty millions, we have ascended above the horizon of the great nations of Europe. Henceforth we have a new problem; namely, to adjust ourselves to the European unity of civilization. It is absurd to suppose that the problem of diplomacy which will arise in our relations to the states of the Old World can be solved by minds untrained in the university; for it is higher education which takes the student back to historic sources and descends from national beginnings, tracing the stream of events to the various points at which modern nations have arrested their development. Successful diplomacy is not possible without thorough knowledge of national aspirations and their historic genesis.

It is almost equally important that our home problems, social and political, shall be studied by our university specialists. Perpetual readjustment is before us. There is the new aristocracy of wealth struggling against the aristocracy of birth. To both is opposed the aristocracy of culture, the only one that is permanent. All may come into the aristocracy of culture, but it requires supreme endeavor on the part of the individual.

With the great inventions of the age, we find ourselves all living on borderland. We are brought into contact with alien nationalities and alien forms of civilization. We are forever placed in antagonism with some environment, material or spiritual; and our endeavor must perforce be to effect a reconciliation,—to unite the conflicting ideas in a deeper one that conserves what is good in each. There is no other recourse — we must look to higher education to furnish the formulæ for the solution of the problem of our national life.

We accordingly rejoice in the fact of the increasing popularity of the university in both of its functions,—that of culture and that of specialization.

5. THE INFLUENCE OF ART UPON EDUCATION.

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[Read Tuesday evening, August 30.]

Human intelligence is a manifestation of many different tendencies, but all may be resolved into three,—those having their sources in the understanding, in the will, and in the emotions; and the departments in which mainly the three are respectively expressed are science,—not philosophy, for this is a broader term, derived from a different principle of classification,—religion, and art. Science, as a development of the understanding, begins in observation and tends toward knowledge; religion, as a development of the will, begins in conscience and tends toward conduct; and art, as a development of the emotions, begins in imagination and tends toward sentiment. It must not be supposed, however, though we can thus in conception separate the three departments, that there is ever a time when in practice they fail to act conjointly or mutually to affect one another. When we examine some of the oldest monuments of the world,—like the Pyramids of Egypt,—it is difficult to tell the results of which of the three we are studying. Mathematicians and astronomers say of science; moralists and theologians, of religion; and archæologists and artists, of art. So with the older civilizations of the world,—those of Judæa, Greece, Rome. The physician or the jurist traces in them as many indications of the science of the laws of health or government as the ritualist or the rationalist does of the religions of theism or stoicism, or as the littérateur or the critic does of the arts of poetry or sculpture.

The dark ages rendered men equally unable to carry on scientific observations, to recognize the spiritual claims of a human brother, or to reproduce his bodily lineaments. When the Renaissance began to dawn, it is difficult to determine from which the sky first gathered redness,—from the flash of Roger Bacon's

gunpowder, the light of Wycliffe's Bible, or the fire of Dante's hell. When it was bright enough to see clearly, no one knows which was the foremost in drafting the plan of progress,—the compasses of Copernicus, the pen of Luther, or the pencil of Raphael. Even in the same country, great leaders in all three departments always appear together,—in Italy, Columbus, Savonarola, and Angelo; in Spain, James of Mallorca, Loyola, and Calderon; in France, Descartes, Bossuet, and Molière; in Germany, Humboldt, Schleiermacher, and Goethe; in England, Watt, Wesley, and Reynolds. In fact, the three seem as inseparably connected in indicating sovereignty over civilization as were of old the three prongs of the trident of Neptune in indicating sovereignty over the sea.

When things go together, they usually belong together. When they belong together, no one of them can be at its best without the presence of the others. The bearing of this fact upon the subject before us is sometimes overlooked. There are scientists who think that, when they give forth a word from their department, they have about as much need of re-enforcement from the utterances of religion as a locomotive engineer for a penny whistle. There are religionists who think that they can get along without the mathematical exactness of science about as well as the leader of a processional without a marionette-show; while both are inclined to an impression that art may actually interfere with their success, as much as a liveried footman with that of a country doctor. Nevertheless, art not only furnishes important aid to the full development of the other two, but is even essential to it. If neglecting knowledge, toward which science tends, religion lacks intelligence, and art observation. If caring nothing for conduct, at which religion aims, science lacks practicality, and art inspiration. If destitute of imagination and sentiment, which art cultivates, science becomes divorced from philosophy, and religion from refinement. It was in the dark ages, when they had no art, that the test of a sage was the ability to repeat by rote long, senseless incantations; and the test of a saint was to fulfil the rule, scrupulously passed for his guidance by the councils of the Church, that he should never wash himself.

But to indicate more specifically what is meant. Science has to do mainly with matter, religion with spirit, and art with both; for by matter we mean the external world and its appearances, which art must represent, and by spirit we mean the internal

world of thoughts and emotions, which also art must represent. The foundations of art, therefore, rest in the realms both of science and of religion; and its superstructure is the bridge between them. Nor can you get from the one to the other, or enjoy the whole of the territory in which humanity was made to live, without using the bridge. Matter and spirit are like water and steam. They are separate in reality: we join them in conception. So with science and religion, and the conception which brings both into harmonious union is a normal development of only art.

In unfolding this line of thought, it seems best to show how art develops the powers of the mind,—first, in the same direction as does science; and, second, in the same as does religion,—and, under each head, so far as possible, to show, in addition, how art develops them conjointly also in both directions.

Let us begin, then, with the correspondences between the educational influence of the study of art and of science. The end of science is knowledge with reference mainly to the external material world. We must not forget, however, that this world includes our material body, with both its muscular and nervous systems. To acquire this knowledge, the primary condition, and an essential one,—a condition important in religion, but not nearly to the same extent,—is keenness of the perceptive powers, accuracy of observation. No man can be an eminent botanist, zoölogist, or mineralogist, who fails to notice, almost at a first glance, and in such a way as to be able to recall, the forms and colors of leaves, bushes, limbs, rocks, or crystals. No man can make a discovery or invention, and thus do that which is chiefly worth doing in science, unless he can perceive, with such retention as to be able to recall, series of outlines and tints, and the orders of their arrangement and sequence. Now can you tell me any study for the young that will cultivate accuracy of observation, that will begin to do this, as can be done by setting them tasks in drawing, coloring, carving, or, if we apply the same principle to the ear as well as the eye, in elocution and music? In order to awaken a realization of how little certain persons perceive in the world, I used to ask my classes how many pillars there were in a certain building that they had passed hundreds of times, or how many stories there were in another building. Scarcely one in six could answer correctly. Is it possible to suppose that one could have avoided noticing such things in case his eyes had been trained to observation through the study of drawing, to say nothing of the

effect of special training in the direction of architecture? Of course, there are men born with keen powers of perception, on which everything at which they glance seems to be photographed. But the majority are not so. They have to be trained to use their eyes as well as their other organs. President Chadbourne, of Williams College, at a time when professor of botany in that institution, was once lost in a fog on the summit of Greylock Mountain. It was almost dark; but, in feeling around among the underbrush, his hand struck something. "I know where we are," he said. "The path is about two hundred feet away from here. There is only one place in it from which you see bushes like these." I used to take walks with an old army general. Time and again, when we came to a ravine or a rolling field, he would stop and point out how he would distribute his forces in the neighborhood, were there to be a battle there. These are examples of the result of cultivating powers of observation in special directions. The advantage of art education, given to the young, is that it cultivates the same powers in all directions. While the nature is pliable to influence, it causes a habit of mind,—in a broad sense, a scientific habit, important in every department in which men need to have knowledge. Not only the botanist and the soldier, but the teacher, the preacher, the lawyer, the politician, the merchant, the banker, is fitted to meet all the requirements of his position in the degree in which his grasp of great and important matters does not let slip the small and apparently insignificant details that enter into them. Some years ago a poor boy from the country, hoping to obtain a position, brought a letter of introduction to a London bank; but he found no place vacant. He turned away disappointed; but, before he had gone far, a messenger overtook and recalled him. The proprietors had decided to make a place for him. Years afterward, when he had become the leading banker of London and the Lord High Treasurer of the kingdom, he was told the reason why he had been thus recalled. As he was leaving the bank, he had noticed a pin on the pavement, and had stooped down, picked it up, and placed it in his waistcoat. The one who saw that single little act had judged, and judged rightly, that he was the sort of boy whose services the bank could not afford to lose.

Observation of this kind contributes to success, not only in the larger relations of life, but still more, perhaps, in the smaller. What is the gem of tact, courtesy, and kindliness in social and

family relations? What but the observation of little things, and of their effects? And notice that the observation of these in one department necessarily goes with the same in other departments. What is the reason that a man of æsthetic culture is the last to come into his home swearing like a cow-boy, cocking his hat over the vases on the mantelpiece, or forcing his boots up into their society? Because this sort of manner is not to his taste. Why not? Because, for one reason, he has learned the value of little matters of appearance; and for any man to learn of them in one department is to apply them in all departments. But, to turn to such things as are especially cultivated by art, what is it that makes a room, when we enter it, seem cheerful and genial? What but the observation of little arrangements that prevent lines from being awry and colors from being discordant? What is the matter with that woman whom we all know,—the woman who, when on Sundays she is waved into the pew in front of us, makes us half believe that the minister has hired her to flag the line of worshippers behind, so as to give them a realizing sense that, even in taking the name of the Lord, they are sometimes miserable sinners. She gets into the street-car, and we feel as if we had disgraced ourselves in bowing to her. She comes to our summer hotel; and the mere fact of recognizing her involves our spending much of the rest of our time in proving to others the contradictory proposition that, notwithstanding her extravagance in lending lavish color to every occasion, she has not yet exhausted all the capital of her gentility. But think what it must be to live perpetually in the glare of such sunshine! Physically, inharmonious colors produce a storm amid the sight-waves, and amid the nerves of the eye, too, and, as all our nerves are connected, amid those of thought, emotion, digestion. In fact, the whole nervous system sails upon waves, just as a ship does; and storms may prove disagreeable. It has not a slight bearing, then, upon comfort, health, geniality, and sanity to be color-blind, or daft, or ignorant. It is not of slight importance to have children trained so that they shall realize that warm colors and cold colors, though not necessarily inducing changes in temperament, may induce changes in temper; that the cheering effects of the room characterized by the one are very different from the sombre effects produced by the presence of the other; that the brilliance of the full hues echoing back wit and mirth in the hall of feasting might not seem at all harmonious to the mood in need of rest and slumber.

Fully as important as that which leads to personal or social advantage is that which enhances one's own inward satisfaction. It is no less true that our lives are worth to others exactly what they see that we find in the world, than that the world is worth to us exactly what we find in it for ourselves. If this be so, how important is it for us to learn to observe!

One method of learning this, as has been said, is through studying the elements of art practically. Few can study them thus, however, without beginning to study them theoretically also; *i.e.*, without beginning to take an interest in the products of the great artists in all departments. And here again, to whatever art we look, in the degree in which a work rises toward the highest rank, it continues to train our powers of observation. The difference between the great poet, for instance, and the little poet is in those single words and phrases that indicate accuracy in the work of ear or eye, or of logical or analogical inference. Recall Tennyson's references to the "gouty oak," the "shock-head willow," the "wet-shod alder." We all admit that genius, especially literary genius, is characterized by brilliance. A brilliant concentrates at a single point all the light of all the horizon, and from thence flashes it forth intensified. This is precisely the way in which a brilliant stylist uses form. In describing anything in nature, he selects that which is typical or representative of the whole, and often not only of the whole substance of a scene, but even of its atmosphere. Notice this from Shakspeare:—

"The battle fares like to the morning's war,
When dying clouds contend with growing light;
What time the shepherd, blowing of his nails,
Can neither call it perfect day nor night."

3 *Henry VI.*, ii. 5.

Observe what a picture could be made of this; yet all that suggests it is put into exactly four words, *blowing of his nails*. The same fact is true of painting and sculpture. Of course, many factors enter into excellence in these arts, and pre-eminent success in certain directions may compensate for deficiencies in other directions. But, as a rule, the rank of a picture or statue is determined by the relative manifestation in it of accuracy in observing and in reproducing the results of observation; *i.e.*, by the manifestation of imitative skill and of technical facility. Not that all products equally successful in these are of equal excellence. Back of one product there may be a spiritual significance, a psy-

chologic charm lifting it into a sphere where are galleried only the works of those who are the gods of the artistic Olympus, while back of another may be nothing suggestive of the possibility of what we term artistic inspiration. Nevertheless, what has been said will be found to be true. Art always deals with effects which nature presents to the ear or eye, and it never survives the fashion of the age in which it is produced except in the degree in which it manifests accuracy in the observation of these. Music survives in the degree in which it fulfils laws founded upon the observation of tones, the blendings and sequences of which cause agreeable effects upon the ear; architecture in the degree in which it fulfils laws founded upon the observation of shapes and outlines, the harmonies and proportions of which cause agreeable effects upon the eye. Painting and sculpture fulfil not only the formative laws, but reproduce the formal effects of outline and color; and the first condition of success in them is accuracy. This accuracy is not inconsistent with leaving out some features and emphasizing others, and presenting the whole from different points of view. But it is inconsistent with distortion of any kind. Why? For the same reason that, if we wish a man to see anything through a field-glass, we must adjust the glass exactly to the point of sight. If not, he sees mainly certain obscuring effects of the glass. Though meant to be an agent, it has become an end. When we look at a picture in which the drawing or coloring is defective, causing disproportion in the parts, unatmospheric sharpness of outline, absence of shadowy gradation,—above all, a predominating impression of paint everywhere,—the effect is exactly like that of powder and rouge on a woman's face. It is impossible to see any soul through it. It is impossible to look through or past the form. This, if it does not blur or blind the eye to ulterior suggestions, at least, appeals to it in such a way as to be a barrier preventing them from exerting their normal imaginative influence. Therefore, though, viewed in one aspect, imitative skill and technical facility are merely conditions for making possible the spiritual and mental effects of art, viewed in another aspect, they have more importance than this word might imply; for they are indispensable conditions. As most of us know, Mr. Beardsley's name is sometimes mentioned by prominent and able American critics with a certain degree of respect, owing to his manifestation, as is said, of originality and invention. One cannot refrain from feeling that further reflection would cause these critics to withhold anything in the direc-

tion of actual commendation. The truth is that Mr. Beardsley's work was legitimate neither to decorative painting nor to figure-painting. Decorative art, like architecture, should fulfil certain mathematical laws controlling the intersection and curvature, the balance and symmetry, of lines, as well as certain physical laws controlling concord and contrast of colors, introducing figures, if at all, only in a subordinate way. These principles of decorative art Mr. Beardsley's work did not fulfil. Figure-painting, though partly fulfilling the same principles, subordinates them to the reproduction of natural appearances. Yet Mr. Beardsley failed to reproduce these appearances with accuracy, showing either that he did not know how to observe or that he did not know how to draw, or, at least, failed to manifest the results of his knowledge. If this be true, it follows, as a corollary from what was said a moment ago, that, just in the degree in which it is true, his work failed to be a medium connecting the mind with nature, and influencing it according to the method of nature. But what of that? it may be asked. Why not treat his pictures and others of the "Yellow Book" and the posters of the period—for all manifest the same tendency—as artistic jokes or caricatures? Why not? For the very sufficient reason that artists and critics insist upon our not treating them so. The style has begun to influence serious work, and, by consequence, to accustom, not only people in general, but artists to pictures not accurately drawn and colored. I have recently seen certain angels in an expensive product of a well-known artist, capable of doing fine work. They manifest their poster-progeniture in limbs so deformed, flesh so dropsical, colors so diseased, and expressions of countenance so forbidding that no sane mind conceiving them to represent an ideal would ever—to say no more—"want to be an angel." Indeed, if one were to meet such creatures after death, however good he might be, he would be sure to turn around, and go straight down hill.

It is a fact overlooked by many how rapidly art, owing to its other necessarily imitative methods, when it once begins to decline, continues to do so. The sense of proportion in the human face and form was entirely lost once, and recovered again, during the period of the art of ancient Egypt. It was lost in Europe all the time between the third and sixteenth centuries. It has been lost for ages in China and Japan. In architecture, as developed in Greece, the same sense was lost before Rome was in its prime. It continued lost till the rise of Gothic architecture. It is lost

again in our own time. The simplest principles of proportional perspective, which the Greek applied to buildings precisely as we do to pictures, are not merely misapprehended, but are not considered possible either of apprehension or of application by our foremost architects. So with color,—from Apelles to Leonardo an almost constant decline. And think what a sudden decline there was after the period of the great Italian painters. And, mark you, these declines were largely owing to the inability of the people, to whom the art-works appealed, to perceive the defects. Little by little, they had accepted them, one after the other, because supposing them to accord not necessarily with nature,—for some knew better than that,—but with the conventionalities of art. Just as everybody in Italy, before the time of Dante, supposed that literature could be written only in Latin, though unintelligible to the common people, so everybody in these ages of decline had come to expect, in art, forms that were not natural, and so far, for the reasons just given, not intelligible; and all were disappointed if they saw anything else. Suppose that, because the poster-art has commercial value, our younger artists begin to imitate it,—I mean keep on imitating it,—or, if not its precise forms, the principles underlying them,—what will follow? A framed picture will begin to occupy exactly the same position in the eyes of the populace as a dressmaker's show window. What is there this year seems beautiful. What was there five years ago seems ugly. Not because either is beautiful or ugly intrinsically,—perhaps I ought to say neither is beautiful intrinsically,—but because the dressmaker has to make money. And people call, and most of them think, the prevailing style beautiful, merely because it happens to be current and popular. They are so constituted that, consciously or unconsciously, they are unable to resist the tide that, apparently, is bearing along every one else. When the same tendencies appear in art it strikes me that the critic who is of value to the world is the man who, in case public opinion be setting in the wrong direction, is able to resist it, is able to look beneath the surface, analyze the effects, detect the errors, put together his conclusions, and have independence enough to express them. When the current theory is riding straight toward the brink, he is the man who foresees the danger, screws down the brakes, and turns the steeds the other way,—not the sentimentalist irresponsibly swept into folly by the fury of the crowd, or the demagogue whooping its shibbo-

leth to the echo, because, forsooth, he must be popular. The truth is that, just so far as the tendency of the kind of art of which we are speaking has its perfect work, just so far there will be no necessity for accuracy in drawing or coloring, and very little discipline afforded the powers of observation, while trying either to produce or to appreciate the completed art-work.

This last sentence suggests that we have not quite done yet with all that can be said of the tendency of the study of art to cultivate these latter powers. With observation of the external material world must be included, as has been intimated, that of our own material bodies, involving both their muscular and nervous systems, involving, therefore, so far as developed from the nervous system, especially through physical exercise, the mind and its various possibilities. Science does much, of course, toward bringing us to a knowledge of these possibilities. A man who uses his eyes, ears, memory, as science necessitates, to say nothing of his powers of analysis and generalization, will learn much concerning them. But think how much more he can learn, both of these and of other powers, when he is forced into the repetitious and conscientious practice which is always necessary before one can acquire that skill which is essential to success in art. And notice, too, while he is acquiring this, how he is being brought into the same conditions of life and method which are necessary in order to attain the ends of religion. What is the object of religion except through practice, in obedience to will and conscience, to make the mind supreme over matter, a man's higher powers the master of his lower powers, to make the body, as the Bible terms it, a living temple for the spirit? When we think of it, we recognize that, while science does comparatively little in this direction, art does an immense deal. The student of art cannot keep from learning through personal experience how months and years of exercise in voice and gesture, in playing music, in drawing, in painting, in carving, give one a mastery over the physical possibilities of the body not only, but of the mind. He is forced to realize as others cannot that there comes to be a time when every slightest movement through which music, for instance, passes with the rapidity of electricity from a printed score through the mind and fingers of a performer, is thought of and directed, yet in a thoroughly unconscious manner, because all the conscious powers of the mind are absorbed in the thought and emotion which is producing the general effect. The student of

art has thus before him constant internal evidence of the way in which the higher mental nature can gain complete ascendancy over both the lower physical and the lower psychical nature. He knows practically as well as theoretically in what sense it can be true spiritually that the man who is to enter into the kingdom of heaven, who is to become with all his powers subject to the spirit that is sovereign there, and who is, without conscious effort, to embody in conduct its slightest promptings, is the man who consciously starts out with scrupulous and often painful efforts to do the will of the Father who is in heaven. Thus, in this regard, the study of art completes the lesson learned from science; and it does so by co-ordinating it to the lesson learned from religion.

We have been considering scientific, religious, and artistic education so far as related to developing the powers of observation, and everything that enables the mind to master—as is mainly, though not exclusively, necessary in science—that which comes to it from the material world without. Now let us consider the same as related to developing powers of reflection; *i.e.*, of constructive thinking, and the mastery—which is mainly, though not exclusively, necessary in religion—of that which comes from the mental world within.

A man begins to reflect, to construct thought, when he learns to draw an inference as a result of putting together at least two things. Of course, he does this when engaged in scientific pursuits. For success in them, nothing is more essential than classification; and the fundamental method of classification is grouping like with like. But notice to how much greater extent a man is obliged, at the very beginning of his work, to carry on this process in art. Art is distinctively a product of imagination, of that faculty of the mind which has to do with perceiving images,—the image of one thing in the form of another. While science, therefore, may find a single form interesting in itself, art, at its best, never does. It looks for another form with which the first may be compared. While science may be satisfied with a single fact, art, at its best, never is. It demands a parallel fact or fancy, of which the first furnishes a suggestion.

This imaginative and suggestive character of art does not need to be proved. We can recognize its influence in every artistic result. The movements of sound in music image, for the sake of the beauty that may be developed in connection with the construction of such an image, the movements of the voice in speaking.

The metaphors and similes of poetry image by way of description the scenes of nature. Pictures and statues image them on canvas or in marble; and architecture, even when devoid of sculptural ornamentation, is a method of working into an image of beauty the forms through which the primitive savage provides for security and shelter. We may say, therefore, that the very beginning of the mental tendency that culminates in art is a suggestion to the imagination of relationships as existing, primarily, between forms, and, secondarily,—because both are necessarily connected,—between methods or laws which these forms illustrate. And how is it with the continuation and conclusion of this tendency? Do these, too, emphasize, in a way to be of assistance to science, the same conception of relationships? A moment's thought will reveal to us that they do, and, that here, too, therefore, as in the former part of this discussion, the study of art can be shown to be of assistance to that of science by way both of anticipating its needs and of completing its results. Consider, for instance, the two directions in which it is important for the scientist to notice relationships, and in connection with this consider the respective classes of studies which are usually considered the best for training the mind to think in these directions. The directions are those corresponding to space and time, which are ordinarily termed comprehensiveness of thinking and consecutiveness. The studies are the languages, especially the classics, and mathematics. The classics, requiring the student, as they do, to observe several different relationships between almost every word and every other word, as of gender, number, case, mood, voice, etc., are supposed to cultivate breadth, or comprehensiveness, of thinking; *i.e.*, the ability to consider things not as isolated, but as related to many other things, and, in the last analysis, to all things, *organically*. The mathematics cultivate consecutiveness of thinking; *i.e.*, the ability to consider things as related one to another, *logically*. Everybody admits the importance of training the mental powers in both directions. But notice, in the first place, how much art has to do with furnishing the possibility of either form of training. Where would have been any study whatever of the classics, had art done nothing for literature? We should have had no laws of Latin and Greek prosody unless the poets had written in rhythm, and no laws of syntax unless philosophers and historians, as well as poets, had been careful about art in style. Again, where would have been our study of mathematics, of the resulting effects

upon one another of lines, curves, or angles, or our study of physical science as determined by such laws as those of sound, or color, had it not been for the interest first awakened by their æsthetic effects in architecture, music, painting, or sculpture? Whether considering nature or art, men always notice appearances before they investigate the causes determining them. The old Egyptians were studying architecture when they began the investigations which built up their system of mathematics. Pythagoras was studying music when he began the discovery of the laws of sound, and Leonardo and Chevreul were studying art when they made their contributions to the understanding of color; and, though the time has now come when those composing the advancing army of science have moved into every remotest valley of the invaded country, apparently needing no longer any leadership of the kind, they never would have begun their advance unless, like the members of every conquering army, they had at first marched behind a standard that in itself was a thing of beauty.

So much for the services of art in anticipating the needs of scientific study. Now let us notice how it aids in completing its results. When the mind has attained all that classical and mathematical training can give, when one has learned to relate organically and logically everything on each side of him and in front of him, what then? Where does the breadth of view cultivated by classical culture cease? Where does the line of logic projected along the vista of mathematical sequence end? I think that you will admit that the one ceases and the other ends where it should, in the degree in which each attains to something hitherto undiscovered in the knowledge of facts or the understanding of principles. Now I wish to show that this result follows only in the degree in which imagination, in the form in which it is cultivated in art, works in conjunction with the other powers of the mind. There always comes for the scientist a place where material relationships are no longer perceptible, a time where logical sequences of ascertainable phenomena end. He finds the course of his thought checked, whether he look sidewise or forward. There is still infinity in the one direction and eternity in the other; and the mind that can make discoveries of great truths and principles is, as a rule, the mind that, when it can advance no longer, step by step, can wing itself into these unexplored regions. How can it do this? Through imagination. How can imagination, through doing it, detect the truth? According to a law of being which

makes the mind of man work in harmony with the mind in nature, which makes an imaginative surmisal with reference to material things a legitimate product of an intelligent understanding of them. This is the law of correspondence or analogy, which can often sweep a man's thoughts entirely beyond that which is a justifiable scientific continuation of the impression received from nature. Only in art is the mind necessitated and habituated to recognize this law, which fact may not only suggest a reason why so many successful inventors have started in life, like Fulton, Morse, and Bell, by making a study of some form of art; but it may almost justify a general statement that no great discovery is possible to one whose mind is not able to go beyond that which is ordinarily done in science. As a rule, before an expert in this can become what we mean even by a philosopher, not to speak of a discoverer, he must possess, because born with it or trained to it, that habit of mind which leaps beyond scientific conclusions, in order to form imaginative hypotheses. It is only after some one has made suppositions, as Newton is said to have done, when he saw the image of gravitation in the falling of an apple, that those who adhere strictly to the methods of science find work to do in endeavoring to prove them. Nevertheless, many scientists have a subtle, even a pronounced disbelief, in that arrangement of nature in accordance with which matter and mind, knowledge and surmisal, always move forward on parallel plains with the mind and its surmisal some distance ahead. Their disbelief is owing to a lack of imagination, and this is often owing to a lack of the kind of culture which they might derive from giving attention to some phase of art. And yet the majority of them, perhaps, believe that art is a mere adjunct to intellectual training,—an ornamental adjunct, too, introducing, like the carving on the keystone of an arch, what may be interesting and pretty, but is not essentially useful. This is a mistake. In important particulars, it may be said that art is not the carving on the keystone, but the keystone itself, without which the whole arch would tumble.

It will be noticed now that we are approaching the place at which, in the most important sense, art may be said to spring the bridge across the gulf that separates religion from science. The mind is never strictly within the realm of science when it is arriving at conclusions otherwise than through methods dealing with material relationships. Nothing is scientifically true, unless it can be shown to be fulfilled in fact; *i.e.*, in conditions and results

perceptible in ascertainable phenomena. The moment that thought transcends the sphere possible to knowledge, it gets out of the sphere of science. But, when it gets out of this, what sphere, so long as it continues to advance rationally, does it enter? What sphere but that of religion? And think how large a part of human experience — experience which is not a result of what can strictly be termed knowledge — is contained in this sphere, — the impulses of conscience, the dictates of duty, the cravings for sympathy, the aspirations for excellence, the pursuit of ideals, the sense of unworthiness, the desire for holiness, the feeling of dependence upon a higher power, and all these together, exercised in that which causes men to walk by faith, and not by knowledge. What shall connect the sphere of knowledge with this sphere of faith? No method, as has been intimated, has yet been found of conducting thought from the material to the spiritual according to any process strictly scientific. There comes a place where there is a great gulf fixed between the two; and the one who leads the conceptions of men across this gulf must, like the great Master, never speak to them without a parable, — *i.e.*, a parallel, an analogy, a correspondence, a comparison. Did you ever think of the fact that, scientifically interpreted, it is not true that God is a father, or Christ a son of God, or an elder brother of Christians, nor the latter children of Abraham? These are merely forms taken from earthly relationships, in order to image spiritual relationships, which, except in imagination, could not in any way become conceivable. Now this method of conceiving of conditions, which may be great realities in the mental, ideal, spiritual realm, through the representation of them in material form, is one of the very first conditions of a religious conception. But what is this method? It is the method of art. Without using it in part, at least, science stops at the brink of the material with no means of going further, and religion begins at the brink of the spiritual with no means of finding any other starting-point. Art differs from both science and religion in finding its aim in sentiment instead of knowledge, as in the one, and of conduct, as in the other. But notice, in addition to what has been said of its being an aid to science, what an aid to religion is the artistic habit of looking upon every form in this material world as full of analogies and correspondences, inspiring conceptions and ideals spiritual in their nature, which need only the impulse of conscience to direct them into the manifestation of the spiritual in conduct. This habit of mind is what

art, when legitimately developed, always produces. It not only necessitates, as applied to mere form,—and in this it differs from religion and resembles science,—great accuracy in observation, but also, as applied to that which the form images,—and in this it differs from science and resembles religion,—it necessitates the most exact and minute fulfilment of the laws of analogy and correspondence. These laws, which, because difficult and sometimes impossible to detect, some imagine not to exist, nevertheless do exist; and they give, not only to general effects, but to every minutest different element of tone, cadence, line, and color, a different and definite meaning, though often greatly modified, of course, when differently combined with other elements.

This fact is exemplified in all the arts; and it is that which makes an art-product, as distinguished from a scientific, a combined effect of both form and significance,—of form, inasmuch as it fulfils certain physical laws, as of harmony or proportion, which make the effect agreeable or attractive to the physical eyes or ears; and of significance, inasmuch as it fulfils certain psychical laws, as of association or adaptability, which cause it to influence favorably the thoughts and emotions. If, for instance, we ask a man why he has depicted a figure gesturing with the palm up instead of down, he cannot say, if giving a correct answer, that he has done it for the sake merely of the form, in case he means to use this word in its legitimate sense as a derivation of the old Latin word *forma*, an appearance. One gesture, if both be well made, may *appear* as well as the other. The difference between the two is wholly a difference of meaning, of significance. This difference, moreover, is artistic. For merely scientific purposes the one gesture, in such a case, would be as satisfactory as the other.

That form in art as contrasted with form in science is suggestive in the sense just explained, we all, to a certain extent, recognize. When, in music or poetry, we are discussing the laws of rhythm, harmony, or versification, we are talking, as the very titles of most books written upon these topics indicate, about the science of these subjects. When we are discussing the influence upon thought or emotion of consecutive or conflicting themes or scenes in an opera of Wagner or a drama of Shakspeare, we are talking about that which, though partly conditioned upon the laws of science, nevertheless transcends its possibilities. No matter how perfect rhythm or rhyme one may produce through arrangements of words, the result is prose, not poetry, unless the thought, instead of being pre-

sented directly, is represented, as we may say, indirectly, so as to cause it to afford virtually an argument from analogy. Frequently, one judges of poetic excellence by the degree in which the thought or emotion could not be communicated at all unless it were thus suggested rather than stated, by the degree, therefore, in which its essential character is subtle, intangible, invisible,—in short, spiritual. The same is true of sculpture, architecture, and painting, though the fact is not equally acknowledged in each of these arts. No one thinks of not judging of a statue by its significance for the mind—*i.e.*, by the subject represented in its pose, gestures, and facial expression—fully as much as by the mathematics of its proportions or the technical skill of its chiseling. Large numbers of persons judge of a building in a similar way, considering the embodiment of the mental conception in the general arrangements and appearances causing them to be representative of the plan of the whole, or illustrative of special contrivances of construction in the parts, to be fully as important as the character of the masonry or even the proportion and harmony of the outlines. But, when we come to painting, we find many, especially artists and critics influenced by artists, who deny the importance of considering mental and spiritual significance as distinguished from that which has to do with the appeal of the form to the eye. Of course, if they deny this, we are obliged to infer from what has been said already that they do so because, in some degree, they fail to perceive that art involves that which transcends the possibilities of science. If, with this suggestion as a clew, we examine the facts, we shall find that those who hold this theory are pre-eminently colorists, not draughtsmen. Of late years the development of coloring has necessarily proceeded on scientific lines; and this may be one reason why certain students of it hold to the scientific view that even in art the meaning that a form conveys to the mind need not be specially considered. Moreover, color in nature is not fixed. It changes with every shifting of the sun. Therefore, it is possible to conceive of a colorist, though not of a draughtsman, without a keen sense of definiteness in form, as regards either outline or suggestion. But beyond these reasons there seems to be another. Strange as it may appear, it is the fact that apparently the rest of the world, aside from those who are in art-circles, accept the view that has been presented here without question.

A friend of mine, who sent his son to a school in England, told me that the boy came back a perfect fool. To restore a rational

action of mind, it became necessary to resort to argument. "What do you roll so for, when you walk? Are you drunk? What do you stick out your elbows so for? Are your arm-pits chapped? Do you think yourself drowning every time you try to shake hands?" "Oh," said the boy, "You Americans haven't any way of letting people know that you have been in good society." This may suggest one reason why the opinion of common people is not always accepted by those who wish to be thought uncommon. Thus put, it may seem an unworthy reason, not consistent with earnestness and sincerity. But would such an inference be justified? The fact that people ordinarily judge of a picture by its significance is a proof that the ordinary picture has significance. But the artist does not wish to produce an ordinary picture. So, he says, "The kind of picture that I produce need not have significance." His motive is praiseworthy. He wishes to attain distinction. But, intellectually, he starts with an erroneous premise; and this, of course, leads him to an erroneous conclusion. It is not significance that makes a picture ordinary: this merely makes it a picture rather than a product of decorative art. That which makes it ordinary is the form in which the significance is presented. To change a theological essay into a "Paradise Lost," it would not be necessary to drop the significance: that could be kept; but it would be necessary to change the form.

We may be sure that any theory true as applied to one art is in analogy to that which is true of every other art of the same class; and I, for one, refuse to take from the art of painting its right to be classed among the other higher arts. It is on account of the distinctive appeal, beyond that which can be made by decorative art, which painting can make through significance to the human mind that it has a right to be classed with the humanities. Some time ago I heard a story intended to represent the effect that should be produced by this art. It was said that some one, in a French gallery, noticed two painters approach a picture, and heard them discuss the coloring of some fowls. After about ten minutes they turned away; and, just as they were doing so, one of them said to the other: "By the way, what was that picture about? Did you notice?" "No," said the other. Now, while this illustrates the kind of interest which not only the painter, but the artist in any art,—music, poetry, sculpture, or architecture,—necessarily comes to have in the technique of his specialty, it does not illustrate all the interest which one should have who has a true

conception of what art can do for people in general. It does not illustrate the sort of interest that Angelo, Raphael, or Correggio, had in their productions. A musician or poet who should have no higher conception of the ends of art would produce nothing but jingle. In this the laws of rhythm and harmony can be fulfilled as perfectly as in the most inspired and sublime composition. Do I mean to say, therefore, that every artist, when composing, must consciously think of significance and also of form? Not necessarily. Many a child unconsciously gestures in a form exactly indicative of his meaning. But often, owing to acquired inflexibility or unnaturalness, the same child, when grown, unconsciously gestures in a form not indicative of his meaning. What then? If he wish to be an actor, he must study the art of gesture, and for a time, at least, must produce the right gestures consciously. And besides this, whether he produce them consciously or unconsciously, in the degree in which he is an artist in the best sense, he will know what form he is using, and why he is using it. The fact is that the human mind is incapable of taking in any form without being informed of something by it; and it is the business of intelligent, not to say honest, art to see to it that the information conveyed is not false, that the thing made corresponds to the thing meant. Otherwise, we all know or ought to know the result. Who has not had experience of it? I have seen college dormitories meant to be comfortable and healthy, but so planned that not a ray of sunshine could get into more than half of their study rooms; libraries meant to read in, but with windows filled with stained glass that would ruin the eyes of every one who at tempted to read in them; auditoriums meant to see and hear in, yet crowded with stone pillars preventing large numbers from doing either, or filled with rectangular seats crowded together so that no one could even remain in the place with comfort. These were results of paying attention to form, and not to significance, or that for which the form was intended. Analogous effects are just as unfortunate in painting. I have been in court-rooms, supposed to be decorated for the purpose — for this is all that decoration of the kind is worth — of producing an impression upon those who enter them of justice; but the only possible impression that could be produced was that the halls were to be devoted to perpetual investigations into the mysteries of orgies not conducted according to the conventions of Puritanic propriety: — women who ought to have been in a warmer place, and whom it was impossible

to conceive of as winged creatures, doomed to eternal roosting upon the cornice against the domed ceiling. And what inspiration there might have been for the common people, accustomed to gather there, had the walls been filled with representations of great acts of justice and humanity with which the pages of history of almost every age and country are crowded! Granted that some paintings like this are flamboyantly panoramic. A great painter can make them something else; and historic paintings in themselves are as legitimate as historic dramas. Granted that the literary tendency in painting is sometimes misleading, though not so misleading as the deductions which artists and critics without ability to think have drawn from the fact. The paintings of which I speak now need not be literary in any sense that makes them inartistic. Indeed, a very important element in the suggestion made, that which allies it to what has just been said of architecture, is the fact that every elementary line and color before as well as after being combined into the general effect of a picture has in nature, owing to its predominating uses and associations, a meaning appropriate to itself; and an artist who does not recognize that this is the case, no matter how well he understands the science of line and color, fails. "What kind of a painter is he?" I asked the other day of an artist of taste, mentioning at the same time the name of one of whom all of us probably know. "Why," replied the artist, "he is what I call a vulgar painter." "Are you getting ethical in your tastes?" I said. "Not that," he answered, "but don't you remember that picture of a little girl by Sargent in the National Academy Exhibition last year? You couldn't glance at it, in the most superficial way, without recognizing at once that it was a child of high-toned, probably intellectual, spiritually-minded, aristocratic parentage and surroundings. Now, if this man had painted that child, he could not have kept from making her look like a coarse-haired, hide-skinned peasant." It is easy to perceive that, if this criticism were justifiable,—and the one, at least, who made it must have thought that it was,—the fault would lie back of any scientific knowledge of color or any technical faculty in the use of it. It would lie in the fact that the artist had never learned that the round, ruddy form of the vital temperament that blossoms amid the breeze and sunshine of the open field has a very different significance from the more complex and delicate curves and colors that appear where the nervous temperament is ripened behind the sheltering window-panes of the study.

An artist who believes in significance merely enough to recognize the necessity of representing it in some way can, with a very few thrusts of his knife, to say nothing of his brush, at one and the same time relieve the inflammation of chapped cheeks, and inject into the veins some of the blue blood of aristocracy.

As intimated a moment ago, those who claim that the highest quality of art can be produced without regard to significance are conceiving of art as if it involved exclusively that which is in the domain of science. Yes, it may be answered; but are not those who insist upon the requirement of significance, especially significance of an elevated character, conceiving of art as involving that which is in the domain of religion? Certainly they are, yet not as involving this exclusively. Art includes something that pertains to the domain of science, and also something that pertains to the domain of religion. When an artist depicts nature just as it is, if there be any such thing as natural religion, he produces upon the mind something of the effect of natural religion. If he depict humanity, he produces—if there be any such thing—something of the sympathetic effect of social religion. And in both cases he adds to the effect the influence which each has had upon his own character, and produces, if he have any, something of the effect of personal religion. Art combines the influences of God in nature, God in humanity, and God in the individual. It makes an appeal that is natural, sympathetic, and personal; but it does all this in a way that seems divine, because the factors of representation are reproductions of the divine handiwork. As applied to literature, for instance, it is a fact that, when spiritual discernment and brotherly charity that judge by faith that is deeper than creeds, and by motives that lie nearer to the heart than actions, fulfil their missions of guidance and enlightenment for their age, the very same ideas which, if stated in plain prose, would send their writer to ostracism or the stake, are accepted and approved, if, through the suggestive methods of art, they are represented in what may be called the divine terms of nature. What would have become of Dante, in his age, if he had proclaimed that a pope could be kept in hell or a pagan be welcomed in Paradise? Yet, when he pictured both conditions in his great poem, how many questioned his orthodoxy? We may apply the same principle to any form of literary art. It is less the modern pulpit than the modern novel that has not only freed the slave and unfrocked the aristocrat, but has snatched the standards of sectarianism from

the hands of hypocrites and bigots, and restored for all the Church the one standard of Constantine, and that one not held up by the hands of man, but flaming in the sky. So with the other arts. Even in the rhythm and harmony of music, though representing laws almost too subtle for our comprehension, there is something that tends to make not only every pulse throb in unison, but also every protoplasmic fibre tendrilled nearest to the soul. Under the pediment of the temple, the arches of the cathedral, the dome of the mosque, always, too, in the degree in which these are great works of art, the predominating impression is that of the universal fatherhood of God, which all alike represent. Nor is there a statue or a painting which depicts natural life, especially human life, as we are accustomed in our own day to see it,—yet notice that this argument could not apply, even remotely, to anything approaching deformity or vulgarity,—but every curve or color in it that forms the line of contact where the waves, bearing their burdens of joy or sorrow, break against its palpitating frame,—but every curve or color in it seems to frame the soul of one to be loved, not by another, but by ourselves; and, so far as Providence sends spiritual development through imparting a sense of sympathy with friend, brother, sister, father, mother, wife, or child, there, in the presence of art, that development for a time is experienced.

In fact, in every department of art, if only our powers of apprehension were sufficiently subtle, its influences might be perceived in the aspects of great natural forces streaming up from the surface of the globe through the senses of those inhabiting it, and radiating into a spiritual halo stretching starward above every realm and age that the world whirls upward, as it goes spinning through its course.

But enough. The conception suggesting this paper has been sufficiently unfolded, if it has been made clear in what sense it is true that æsthetic studies, among which one may include anything that has to do with elocution, poetry, music, drawing, painting, or modelling, whether we consider their influence upon the artist or upon the patron of art, are needed, in order to connect and complete the results of education as developed through science alone or through religion alone. These studies can do for the mind what science cannot, crowning its work with the halo of imagination and lighting its path to discovery. They can do for it what religion cannot, grounding its conceptions upon accuracy of observation and keeping them true to facts. Art unites the purely intellectual in-

fluences of the two other spheres. It can not only hold the mirror up to nature, but it can make all nature a mirror, and hold it up to the heavens. In times of intellectual and spiritual storm and stress, when night is above and waves below and winds behind and breakers ahead, its voice can sometimes speak peace to the troubled waters, and bring a great calm ; and then, in the blue at our feet, we can see not only a little of the beauty of a little of the surface of the little star in which we live, but something also of the grandeur of all the stars of all the universe.

II. DEPARTMENTS OF FINANCE AND SOCIAL ECONOMY.

I. CO-OPERATIVE BANKING IN THE UNITED STATES (1873-1898).

BY F. B. SANBORN, OF CONCORD, MASS., CHAIRMAN OF THE DEPARTMENT.

[Read Wednesday morning, August 31.]

Before introducing the speakers of this morning's session, permit me to speak of a subject which has at various times occupied the attention of our Social Economy Department, and was one of the first which it investigated, after its organization in 1874. I mean Co-operative Banking,—what is more commonly called by the less descriptive name of "Building and Loan Associations,"—a multitude of small organizations which do a banking business of a special character, and have lately combined themselves in State Leagues and a national League which met this summer at Omaha, and has since published Proceedings of much interest. In addressing this Omaha meeting, at the invitation of its officers, I had occasion to recall events connected with our Social Science Association, and may therefore quote what was then said:—

"It will soon be a full quarter-century since that public-spirited citizen of Boston, the late Josiah Quincy (grandfather of the present mayor, and grandson of the Revolutionary patriot of the same illustrious name), first brought to the notice of the American Social Science Association, of which I was then a Secretary, the Philadelphia banking institutions, then only known under the title of 'Building Associations.' They were new to most of us, though they had existed in the Middle States, to the number of several hundred, for twenty or thirty years, and had spread from Philadelphia and Baltimore to Cincinnati and other Ohio cities, where Savings-banks were virtually unknown. Mr. Quincy soon after published a pamphlet on the subject; and our Association appointed a committee, of which I was a member, to investigate the

history and results of this peculiar form of co-operative savings-bank. Several of our members—among them Robert Treat Paine, Gamaliel Bradford, and J. S. Ropes—became interested in what they discovered concerning the methods and general good result of the Philadelphia Associations; and means were taken to procure legislation to authorize similar banks in Massachusetts. . . . This was more than twenty years ago; and now there are in Massachusetts alone more than one hundred and twenty such banks, controlling many millions of property, and with a record of safe and useful business. In other States a like extension of the system has taken place, until there are now, I suppose, more than six thousand such 'People's Banks' in the forty-four States of our Union."

Several times, after 1875, when Mr. R. T. Paine discussed these co-operative banks at some length in our Detroit meeting, have committees of this department taken up the fruitful topic; and it was in a communication on the associations of Illinois that we first learned the merits of our Finance Chairman, Professor Jenks, as investigator and reporter. Such banks seem peculiarly appropriate for consideration in our department, since they represent and foster a form of Social Economy, as distinct from Public Economy, giving to households of small income the opportunity of owning their own homes, and thus promoting that welfare in minor matters which our department was organized to consider and promote.

Falstaff told the chief justice, in one of his memorable conversations with that dignitary, "It was always yet the trick of our English nation, if they have a good thing, to make it too common." Something of this sort has been of late years the fortune of the American Building and Loan Associations. Their great success, when confined to localities and managed on a small scale, together with something a little mysterious in the old way of premiums and rate of interest, which easily gave opportunity for bewildering the imagination of investors, has encouraged "promoters," of whom the London blackguard, Hooley, is just now the typical instance, to set up investment companies under the name of "national" building associations, which have had little success, except in the way of giving their officers high salaries. At the same time the genuine local co-operative banks have been either too thickly placed or too carelessly managed, so that fraud has crept in sometimes, or loans too insecurely made, where honesty

prevailed, have diminished the legitimate profit to investors by delaying the repayment of loans. The investing members also, even in well-managed associations, have often exceeded their due proportion to the borrowing members, and thus diminished their own profits, while stimulating the officers to make loans on insufficient or unmarketable real estate. Out of all this and other causes, due in part to the panic years since 1892, which affected the co-operative banks less than most financial institutions, but yet had their disturbing effect, has grown in some sections of the land a distrust of building associations and a diminution of their number and usefulness. At recent meetings of the National and the State Leagues this fact has appeared, and has been variously commented upon. At the Omaha meeting, just mentioned, I felt it a duty to address some words of warning to the members of such associations in regard to the dangers (in a country so over-sanguine, and so given to gambling and fraud in speculative transactions, as our nation certainly has shown itself) of allowing those evils to poison the safe management of their promising institutions. I said:—

“The gambling spirit which is so marked a feature in most of the financial transactions of our country, and of the whole world at present, may be indulged in by young men, who have money of their own to risk, though for them it is not to be encouraged. But with men who hold the property of others in trust, every incentive to gamble with such property should be sternly repelled: the only sure rule is to be content with small gains, and seek safety above all things. Moreover, this gambling spirit is a great corrupter of honesty; and there is no reason in the nature of things why a co-operative-bank treasurer or secretary may not sometimes follow the bad example that so many bank presidents and saving-bank treasurers and cashiers of national and private banks have been setting for many years, and never more frequently or habitually than now. Fraud and embezzlement are the crying evils of our whole credit and loan machinery: the least distrusted official is often found to have been the greatest and the slyest thief. With trust money it is impossible to be too watchful; and, when embezzlement has occurred, it is the shortest-sighted policy to overlook it or to deal lightly with the culprit. The amount stolen may be large or small; but the dealing with the thief should always be strict, though the theft be trifling. Do not mince matters, nor use mild terms to describe the act of stealing: it is theft, whenever and

wherever it happens ; and oftentimes it is theft with greater aggravations than if the robber had met his victim in the highway, and pillaged him after knocking him down."

The temptation which the so-called "national" building associations hold out to extend co-operative banking beyond certain strict and narrow limits is apt to be followed by swift failure. Speaking soberly, a single co-operative bank can no more be "national" than a village or a farm can be. Localization of function is the very essence of this form of banking, which was created to work in single localities, and cannot much extend operations without greatly added risk. The co-operative banks can be national, and are such, by associating many small banks together, until the league includes the whole extent of our ample republic. They are properly a federated, not a centralized, money-power : the secret of their success is that of the nation at large,—a whole made up of many parts,—not an imperial tyranny, dictating to distant colonies what is good neither for the colony nor the empire. The nation is just now in some danger of forgetting this secret of its greatness, and straining after the success of nations that have a wholly different formation and destiny. This matter will be considered in the discussion which is to follow on the Social-Economic aspects of a proposed Anglo American alliance, and need not now be dwelt upon.

But the co-operative banks are not allowed to forget their original, natural function. Failure attends and will attend every step they may take outside of their prescribed limits. A duck out of water, a balloon navigating the water instead of the air, a school of mackerel carrying on land operations in Cuba,—these are types and symbols of co-operative banks aping the achievements of those huge aggregations of capital which Providence (for our sins) has allowed to exist in this age and country. Genuine co-operation is a confederation of small efforts tending to a great result : the sham co-operation of enormous capitalists, for their own aggrandizement, soon ends in ruinous competition, or in the spectacle of one grand shark eating up all smaller fish (sharks and all), and then dying of the surfeit.

Our Department of Social Economy has seen the American co-operative banks grow from a small and comparatively unknown group of widely separated bodies into a far-spread and still spreading union of institutions, so numerous and powerful as both to invite attack and to wield a considerable political and legislative force. The latter also involves a considerable risk ; and what I

have observed in Massachusetts is probably true of other States, notoriously, it is charged, in New York and Pennsylvania. For more than forty years I have been cognizant of legislation in my own State, and at times have had something to do with shaping it, for the good of the poor, or the better organization of State administration. During that time I have seen important legislation bought and sold; and the traffic has gone on increasing, as the moneyed interests involved have grown greater and more grasping. Legislative blackmail has also grown up in that period,—it was unknown before the Civil War,—and is now a recognized feature of our annual sessions. The co-operative banks, in some States, are tempted by the attacks of blackmailers, and by a wish to prevent injurious legislation, to oppose their antagonists with their own weapons. It is a dangerous game for honest men to play: their best strength is the simple and defensible integrity of their own purposes, leaving to the lobby and the blackmailers their shameful instrumentalities, which can only injure good men, if employed merely in their own defence.

The papers of this morning's session cover a wide range, and serve to illustrate the broad scope of our department's name. They are commended to your attention and debate.

Mr. HASKINS (Poughkeepsie).—America has been styled by foreigners a land of homes. Instinctively, the oppressed of all the nations of the earth look to the new country as a place where they may build a home and rear their families in comparative comfort and ease. I believe our Chairman has presented a very important subject in his discussion of the co-operative savings and loan associations. But out of that movement has come a new inspiration to the average wage-earner in the land. The bank acts as a dam across the stream for all the little rivulets coming down the mountains, gathering up the waters that otherwise would be wasted, and sending the waters over the boom in rightly directed channels to turn the machinery of the mills. So the co-operative bank gathers the little rivulets of money, here and there a few dollars, and stores them up, and sends them forth in well-directed channels to build homes and do this and that and the other thing for the amelioration of society.

I have the honor to be a charter member and secretary of the original building association in my own town for something over eight years, during which I have witnessed a wonderful change in many people. I have seen its uses, as I have been in position to, during that terrible period of strain in '93, '94, and '95, when there was not a hundred dollars due on interest that we did not collect as it came due, and people struggled as they never had struggled before. It is one of the best educating agencies that I know of. The poor man says, "There is a great railroad sweeping by my door, with its stock for sale, but I cannot buy that; but I can put down a dollar this month and a dollar next month, and, lo! before long I have several dollars." I have known men and women draw \$50 and \$60,

and sometimes as high as \$200 out of the association who never had seen so much money before. And I believe the problem of capital and labor is to be settled very largely by the attention that is now given by thinking people to the amelioration of the condition of the working people. Whenever you get a man interested, and he can say, "This spot of ground is mine," that man has given bonds to keep the peace: he has given bonds to uphold the integrity of the government and its institutions. Just the moment you let him feel, "I have a personal interest, a vote in that institution," he has given bonds to become a good citizen. Let us not forget, in carrying out the great policy of our country, this dotting of our land with homes; it helps people who become discouraged, and are ready to say, "every man's hand is against me." This idea of home-building should be fostered. It will do more, in my judgment, to upbuild the country, to make men and women uphold the institutions of the land, than anything else. From the hills and farms of our nation of homes, word has gone around the wide earth that America is able to take care of herself, because she has an intelligent, an educated, and a patriotic citizenship, and that its foundation is the home around which cluster all the interests that can be gathered in any country.

2. THE GEORGE JUNIOR REPUBLIC.

BY MR. THOMAS M. OSBORNE, OF AUBURN, N.Y.

[Read Wednesday morning, August 31.]

The George Junior Republic is situated upon a farm of fifty acres near Freeville, Tompkins County, in this State. It is an institution for the care of dependent and delinquent children, but conducted upon such novel principles that the name "institution," in the ordinary meaning of the word, hardly applies. It is the belief of many who have looked most thoroughly into the workings of the Republic that its founder and superintendent, William R. George, is there developing methods of great importance, which may, in the long run, effect a revolution in the manner of dealing with the friendless and unfortunate children of our city slums.

There is no need to enter upon the change which has taken place within a generation in the conception of charity. After centuries of misunderstanding of the true spirit of Christianity, we are at last learning that charity is not to be indulged in for the pleasure or benefit of the giver, but for the good of the receiver; and that the opportunity for self-help is the true almsgiving. In our revised version of the New Testament the word "charity," in the enumeration of the Christian virtues, appropriately becomes "love." It was in a mental protest against the abuse of charity that the Junior Republic had its beginnings.

There are, doubtless, many among you who have read more or less in the magazines about the Junior Republic and who are, therefore, somewhat familiar with its plan. For the benefit of others it may be stated briefly that the children, varying in age from ten to eighteen years, placed in the charge of Mr. George as superintendent of the Republic, are given in most respects complete charge of and responsibility for their own affairs. They have made their own constitution and laws; they elect their own executive and legislative officers; they dispense justice through their own courts and under their own judges, and immure their convicted criminals in their own prison. These children form, in fact, a real community of their own, an *imperium in imperio*. The

child is placed in the midst of a complete though simple form of society,—a system which adheres as closely as possible to the larger Republic outside,—a system of which he quickly feels himself to be an important part. Of course there are obvious limitations to the freedom enjoyed. For instance, being in reality children, and not men and women, they must, under the laws of New York State, attend school for a certain number of days in each year; but for their school work they are paid much as if they were working in a factory. After all the necessary restrictions are allowed for, it still remains true that the child is practically his own master, to choose between industry or idleness, between obedience or disobedience to the law, between fulfilling or neglecting his duties as a citizen. He can choose between honesty, truth, and manliness, on the one hand, or the prison and the workhouse, on the other.

It must also be borne in mind in getting at the basis of the Junior Republic, that nothing, after the first few days, is *given* to the child. This emphasizes the choice between good and evil to which I have referred. "Nothing without Labor" is the motto of the Republic, and it is intended to be fully carried out. For work on the farm, the carpenter and shoe shops, the kitchen, the hotels and restaurants, the citizens receive their pay in the tin currency of the Republic; and with their money they buy food, lodging, clothes, and what few luxuries the public store contains.

As can readily be appreciated, most of the children who come to the Republic have no idea of work. They are shiftless, idle, and frequently vicious. If they have thought about the country at all, it is as a place to loaf and be fed. There comes a rude awakening. The new citizen finds himself in a community where there is no place for the drone. If he persists in being idle, he must pay the penalty. If he will not work, he cannot eat; for, as has been said, there is nothing to be given away. The new citizen stands dazed and silent, watching his fellow-children file into the restaurants for their dinner. He can get nothing, for he has no money: he has not worked. Then slowly dawns upon him a new idea,—that in real life work is a necessity for all; and he soon goes farther, and discovers that work is a good thing for the worker. He grasps the idea of the true dignity of labor. He finds in the little community that the citizen who works unwillingly, who vibrates between the cheap restaurant and the workhouse, is the one who receives least consideration from his fellow-citizens; and who

of us does not recall the tremendous force of childhood's public opinion? It is the citizen who works, who is economical and thoughtful, that secures the best rooms, the best meals, that serves as legislator or judge, that is respected alike by citizens and visitors. The first great lesson learned, is that of the necessity and dignity of labor.

Then comes the second lesson. If the new citizen of our small Republic be a boy of brains and intelligence, he has probably been a member of some gang of toughs in the city; and, if it has been his good fortune to have been brought up before the police court, he has found himself a hero in the eyes of his comrades. The tougher his experience, the more of a leader he has become. Arrived at the Junior Republic, he aspires to leadership there; and, committing some breach of the law, he is promptly arrested, put in jail, and soon after brought by the boy policeman before the boy judge. In this little court-room all the glamour of crime vanishes. He meets conviction from a jury of his peers; and, as the boy judge sentences him, he breaks down, and cries like a baby. Another boy from the city, who has served a term in a penitentiary, thinks to make himself a hero in the eyes of the citizens by boasting of his great exploits in thieving. As a natural result, the next time anything of value in the Republic is missing, he is promptly arrested on suspicion. He has boasted himself a thief; and, lo! to his amazement, his comrades are in arms against him. So a new conception of law forms itself in his mind. Law is no longer the engine of a far-away and dimly imagined state, but a natural human agency for protecting individuals. It is the expression of the conscience and convenience of the very society of which he forms a part. The law is *his* law, because he has helped to make it; and it exists for the protection and convenience of himself as well as of his neighbors. So, even more quickly than he has learned his first great lesson, there comes to the new citizen a respect for the law. Not fear nor blind obedience to law's mandates, but an open, frank acceptance and understanding of its nature, its meaning, and its importance.

The third great lesson of the Republic is in the duties and responsibilities of citizenship. In no school of which I know is this taught in the effective way it is taught at the Junior Republic,—not by reasoning from the abstract to the concrete, as most of us have learned our citizenship, but by gaining experience in the concrete itself. Upon every citizen is laid the burden of responsibility,

and the State is small enough for him to feel it. He sees that society itself is but an aggregation of individuals, and that he is one of those individuals. He has the chance to feel that he is himself, partly at least, responsible for bad laws, for lax administration, for incompetent officials. Moreover, he has practical experience of the duties of office. He serves in the legislature or as chief of police, as district attorney, as judge, or holds a cabinet office. In short, as one boy quaintly expresses it in a letter: "In other words, it's like as if they have two lifetimes to live through. The first is the time they spend in the Republic in which they gain experience, and the second when they get back to New York."

Gradually there takes hold of the child from the slums a clear, sane, healthy view of his whole relation to society. There is no secret about the matter: his duties as a citizen, his new feeling toward labor, his respect for the law, all make themselves distinct, logical, and understandable. He learns by actual experience, the only possible teacher for such as he; and consider how, in learning by experience thus early in life these great lessons, the child is sloughing off the evil attributes which inheritance and environment have bred in him. Here is material of which good citizens are made,—honest workers, honest voters, with respect for law. From these premises thus gained there can be no escape from right conclusions, if the child's heart at the same time becomes sound, and the clouds of vicious instincts clear away.

Does the child's heart become sound? Here is the most surprising thing of all. The development and change of view toward what may be called the political aspects of society are accompanied by a most extraordinary mental and moral growth in all directions,—a growth not by any means so easily described or reasoned about as in the three points already mentioned,—a growth that must be felt through actual contact with the children before it can be appreciated. Explain it how you will, either by the loving hand, which for the first time many of the children find resting upon their shoulders, or by the natural tendency of a child's nature under proper conditions of healthful work to throw off viciousness, as doctors say it is the natural tendency of the body to throw off disease, or by, what is more likely, a combination of both causes. But, explain it how you will, it is there. We find on every hand a moral and mental expansion which is as surprising as it is delightful to behold. Frankness, truthfulness, honesty, and cleanness of speech,—these are not what you look for in children

of the slums. It is what you find, indorsed by public opinion, and in most surprising measure, at the Junior Republic.

It may be stated in conclusion that all these results seem to be produced in a perfectly natural and logical way. It is following along the normal lines of the child's nature,—the lines of least resistance. You are harnessing in the service of society the unbridled forces of evil, and it is all done in the true spirit of the Founder of Christianity, in "faith, hope, and love, these three ; and the greatest of these is love."

Rev. Mr. JUMP.—I wish to ask as to the term usually spent by these boys in the Junior Republic.

Mr. OSBORNE.—Of course, the time depends upon the circumstances in each particular case. A certain boy or girl needs to be kept longer than another, and the aim is to keep that boy or girl there until he or she has learned the lessons. We have taken children as young as ten, and kept them there until they were eighteen. The limit is from ten and twelve to eighteen, with power in the executive committee to take children younger or keep children older.

Mr. SANBORN.—Do we not understand the admission is voluntary?

Mr. OSBORNE.—Yes. The admission is in various ways. In some cases parents have sent the children by parental authority. One or two cases of suspended sentences by the court provided the child should go to the Junior Republic.

A GENTLEMAN.—Are there laws against profanity?

Mr. OSBORNE.—Yes, and laws against smoking passed by a legislature of cigarette fiends.

Dr. LEIPZIGER.—Any religious test for admission?

Mr. OSBORNE.—No. There has been an effort to turn the Republic toward some one religious form, but Mr. George's idea is that the religious work should be as broad as the rest of the work.

Dr. LEIPZIGER.—What is the largest attendance at any one time?

Mr. OSBORNE.—As many as two hundred children, but only for the summer. We can only accommodate during the year fifty or fifty-five.

Dr. LEIPZIGER.—What is the cause of discrimination? First come, first served? Any other standard of admission?

Mr. OSBORNE.—No particular standard for admission. Certain ones seem more desirable to keep, and those Mr. George keeps. There are many more applications than we can possibly accommodate.

Chairman SANBORN.—It was observed by a modern philosopher that he is a public benefactor who causes two blades to grow where but one grew before. How much greater must be the debt of the community to those benefactors who make two ideas grow where but one grew before!

That has been the great characteristic of the Quincy family, the ancestors of the gentleman we are to hear from; and he is carrying on the family business, as the disconsolate widow said, at the old stand. I suppose it had not occurred to the numerous mayors of Boston since the last Quincy to develop this simple but perfect system of public amusement and public cleanliness. I frequently have occasion to pass along a street where one of these salt-water baths has been established, and it adds very much to my pleasure to see these youths disporting themselves where formerly was a squalid and rather noxious part of the city. In fact, there is no more beneficent mission than that of a new idea, and we shall have them as long as we have Quincys in Boston.

3. PLAYGROUNDS, BATHS, AND GYMNASIA.

BY THE HON. JOSIAH QUINCY, MAYOR OF BOSTON.

[Read Wednesday morning, August 31.]

The subjects of bathing and of indoor and outdoor exercise are so closely related to each other that they may well be considered together. They both fall within the same lines of municipal policy, both have a special relation to the children and young people of a community, and both have for their object the social elevation of the people through the promotion of cleanliness, physical development, and reasonable recreation. It is but a step from the open-air playground to the indoor gymnasium, and the same considerations which warrant the expenditure of public money for the former justify it for the latter purpose. There is no stopping-place, either legally or logically, between the open piece of ground for the children of a neighborhood to play upon in summer and the indoor gymnasium for the same children to exercise in during the winter. It is equally impossible to draw any line between the maintenance of an outdoor bathing-place in summer and an indoor bath in winter, or between a shower bath and tub bath, serving only the purpose of promoting cleanliness, and the swimming-pool, which answers the further purpose of affording facilities for exercise and recreation.

The city of Boston has maintained during the present summer five beach baths, thirteen floating baths, two river baths, and two swimming-pools, which will have furnished before the end of the

summer season between two and three million free baths, at an expense for maintenance, including the furnishing of free bathing suits for children, of about \$35,000. This summer work will be followed by the opening of a number of winter baths and swimming-pools, and of at least two or three large public gymnasia.

On account of its combined advantages in promoting at once healthy physical development and wholesome recreation, the all-the-year-round swimming-pool should, in my opinion, rank as one of the most important municipal agencies for the improvement of the condition of the people.

The proposition of the first importance in connection with these subjects is, that facilities of this nature should in a large city be furnished through a considerable number of establishments designed for local use rather than concentrated on a larger scale at one or very few central points. Each local group of twenty thousand or twenty-five thousand people, divided upon lines which are carefully drawn in reference to social conditions and affiliations, should have its own local bathing establishment, gymnasium, and playground. This figure is taken with reference to such a distribution of population as exists in most large cities. Where the population is abnormally crowded, it may of course be possible to make a single establishment serve the wants of a considerably larger number of persons.

The important thing is that the people of a given neighborhood should not have to go too far in order to avail themselves of such facilities. If the bath, gymnasium, or playground, is within half a mile to a mile of the home, it will be readily and extensively used. If it is two or three miles away, its use will be very greatly restricted. The difference between the use of the park and the playground brings out this fact in a striking manner: the great park is indeed of much use and value, and is worth to the community all it costs; but it no more takes the place of the local playground than the university takes the place of the common school. Indeed, a comparatively small portion of the people of a city can use its parks except very rarely. A much larger proportion, if children are included, as they should be, use local playgrounds where these are afforded. Without in the least deprecating the expenditures for great public parks, I have no hesitation in saying that we should do more to promote the social welfare of the people of great cities — which should certainly be considered by their municipal governments as an object of prime importance —

if we expended far more money in providing and equipping local playgrounds, even if we were obliged to economize somewhat upon park expenditures in order to do so.

I am glad to be able to state that the importance of providing playgrounds has now been quite fully recognized by the city of Boston. Within the last three years the city has acquired parcels of land in different sections of the city for playground purposes, and has partially improved them, and by an act passed during the present year our Park Commissioners are authorized to spend not exceeding \$200,000 a year, and not over \$500,000 in all, "for the purpose of establishing a comprehensive system of playgrounds, not exceeding twenty in number, to meet the wants of the different sections of the city." While there is no money available for use under this act during the current year, it will go into effect at the beginning of next year; and within the next two or three years Boston should be very fairly well provided with local playgrounds. The importance of having the sites for playgrounds selected according to a well-considered and comprehensive plan, instead of being picked out at haphazard, can hardly be overestimated; and we are planning to provide for the needs of the future as well as the present by purchasing land in not yet fully built-up districts, while it can be bought at a comparatively low price.

Perhaps the strongest legal and moral ground upon which to place municipal expenditures for these purposes is that of their important connection with the education of the young. Very few Americans object to anything which falls within the scope of public education, though some object to expenditures for the promotion of the well-being of the adult population upon the ground that they are socialistic. While this objection is hardly to be treated very seriously in the present stage of our civilization, it is always better to move along the lines of least resistance, and therefore we may well bring baths, gymnasias, and playgrounds within the limits of a well-rounded system of public education; for the time has gone by when the education of the young can be confined within the narrow limits of the school-room or to the acquisition of knowledge from books. The things which affect the child outside of the school are, as a rule, more potent than the forces which operate only in the class-room. The healthful development of the body is of no less importance than the development of the mind. It is not too much to say, as by far the larger number of persons must earn their livelihood by some form of manual labor, that a sound body is

of even greater practical importance to the average individual than a well-instructed mind. The relation of cleanliness not only to physical health, but to moral health as well, is too elementary to need dwelling upon.

If the city provides convenient bathing facilities for children, it can exact cleanliness of every pupil in its public schools, and can educate their receptive minds, however poor may be their homes, to the great importance of frequent baths.

The advance of civilization is largely measured by the victories of mankind over its greatest enemy,—dirt. One of the chief and most fundamental differences between the savage and the civilized man is that the former is dirty, while the latter is relatively clean; and the advance of medical knowledge constantly emphasizes the truth that by far the greater portion of all the disease which affects humanity can be traced back to uncleanness of one sort or another. Cleanliness of the body leads to self-respect and to an appreciation of the importance of cleanliness in the household; and, when physical dirt has been banished, a long step has been taken toward the elimination of moral dirt. If, therefore, we take any reasonable and comprehensive view of what the education of the young consists of, we shall insist upon the provision by the municipality, as a part of it, of facilities for cleanliness and exercise.

The swimming-pool seems to me to possess important advantages over any other form of bathing, particularly for the young. When we make something which is useful also interesting and attractive, we accomplish a great deal. The child who has to be driven into the bath-tub or under the shower goes voluntarily and eagerly to the swimming-pool. When these are provided by the city, every child can readily be required, as a part of the course of public instruction, to learn how to swim. The number who will be saved from drowning by such knowledge may perhaps be very small; but the number who will be permanently benefited by becoming accustomed to this most admirable form of exercise, with the bodily cleanliness which is necessarily incidental to it, will be legion. This does not rest upon theory, but upon demonstrable fact. The mere offer of free instruction in swimming at our summer baths in Boston has resulted in between three and four thousand school-children who did not know how to swim presenting themselves for such instruction during the present summer, and learning the art. I do not hesitate to say that, if Boston had six or eight indoor swimming-pools for her 525,000 people,—and we shall

certainly have half this number in operation during the coming winter,—there would be no great difficulty in seeing that every one of her 85,000 school-children learned to swim.

No student of social science will fail to recognize the important consequences which would follow from the successful accomplishment of such an undertaking, particularly if it were accompanied by a great increase in the number of indoor gymnasia for use in winter and of outdoor playgrounds for exercise in summer.

Nor need the expense of building and maintaining swimming-pools and gymnasia deter any city from establishing them. Land, of course, is expensive in some places; but we have found in Boston that an excellent concrete swimming-pool, eighty feet in length by thirty feet in width, and four to six feet in depth, capable of accommodating between one and two hundred bathers at a time, can be built, exclusive of the building to enclose it, for about \$2,500. Outside of the cost of land, a two-story building, with swimming-pool, shower baths, and gymnasium, sufficient in size for an average city ward, can be built, if necessary, at as low a cost as \$25,000, and can be well administered for a few thousand dollars a year. If this is compared with other municipal expenditures, many of them for purposes of far less consequence, it surely cannot be said that the expense is prohibitory.

Boston now has two such swimming-pools in operation; and, in spite of the counter-attractions of the salt-water baths, each of them has been used during the summer season by an average of over one thousand bathers a day, a large majority of whom have been school-children. Our experience has demonstrated in a striking manner the local use of such facilities from the fact that, although the swimming-pool last built was only about a mile away from the first one, the attendance of the latter did not appreciably fall off, and the new pool created at once its own local patronage.

We may well, therefore, regard the local bath, gymnasium, or playground as a part of the system of public instruction for the young, treating the use of such facilities by adults as incidental, and not as the primary object for which they are established. I have emphasized the argument of mere utility, but we must not lose sight of the advantages of such municipal policy from the standpoint of recreation. Both the child and the adult must recreate his forces and faculties by a change from work to some form of amusement, if he is to do his best work. We are only beginning in this country to recognize the vital importance of

wholesome recreation as a factor in social development, and the propriety of furnishing to all, at the public expense, some facilities in this direction ; for a large portion of the people must practically be without them unless they are so supplied.

The new policy which the city of Boston is adopting in creating a department of public music, and in arranging, not only for an extension of the public band concerts which have been given in summer, but for free concerts indoors during the winter, affords a striking example of public action for improving social conditions in this direction ; and, while the swimming-pool and the gymnasium are not intended purely for amusement, the recreation which accompanies their use, and the pleasant occupation which they provide, are by no means to be overlooked. The work of providing facilities for their children to play in a manner which shall be safe and free from opportunities of mischief is no easy one for parents. The social importance of a municipal agency which supplies to the children of the community a frequent occupation, under proper supervision, is by no means small.

The great problem of social science is that of securing some general distribution among all the people of the advantages and facilities which the progress of human knowledge and the advance of civilization have developed in such rich measure.

A sound society must be well developed throughout its membership. In my opinion, one of the most important functions of municipal government is that of promoting the feeling of community, to secure in some measure the enjoyment by all, not, indeed, of an impossible equality of social opportunity, but of a certain minimum of elementary social advantages. It is not within the power of that concentration of forces for co-operative purposes which we designate as a municipality to make all of its citizens well educated or prosperous ; but I believe that it can readily secure them sufficient facilities for cleanliness, for exercise, and for recreation, to raise materially the average social standard of the community, and to promote in some measure the general well-being and contentment. No one acquainted with the rudiments of social science will, I think, question the advantages of including such objects within the scope of municipal government, and within the purposes for which it is maintained. The bath, gymnasium, and playground are no unimportant agencies in promoting the civilization of great cities,—a civilization which even now includes too much of barbarism, of squalor, of utter ignorance, for us to contemplate it with equanimity.

These agencies are, to be sure, of the simplest description ; but the simple is often the least obvious and the most easily overlooked. Soap and water are, after all, the most potent agencies of civilization. Let us, then, see to their more universal application. It is doubtless true that the great mass of the unwashed will not lead in the movement for the general establishment of public baths ; but they will surely follow in the movement if some of those who are already washed will lead in it, and they, and more particularly their children, will flock to the baths as soon as they are opened. If social reforms must generally be started by those who are so well situated that they will not themselves be directly benefited, let us appeal to some of those who have fine bath-rooms in their own homes, and who are able to move to the seashore in summer, with whom personal cleanliness is the most cardinal of virtues, to contribute something of their means and of their efforts toward a crusade for the cleanliness of the whole community, through the provision of public baths for all.

Rev. Dr. ANDERSON.—I desire to ask these questions as to the playgrounds. Are they small parks, and do they become unsightly, as the school ground? Are they laid out as parks? And, in regard to swimming-pools, what are the arrangements, and is there a flowing stream where the water can be changed?

Mayor QUINCY.—I think our idea of a playground is that it should not be laid out as elaborately as a park. We have, for instance, a park called Charlesbank in Boston, which is also a playground in its scope, with open-air gymnasium, and laid out with respect to landscape architecture.

Of course, the bath system must have a liberal water supply in order to be able to use water for a swimming pool. It has to be renewed from once every two or three days to once a day ; and the process for renewal is very simple, if you have the water. Simply drain into the sewer and refill the pool. As to the heating of the water, that can be very simply done by blowing steam into it ; and it takes surprisingly little fuel to keep the pool warm.

Mr. McKELWAY.—Do they belong to the city or does the city hire vacant lots from owners for playgrounds, or does it detach a certain acreage from its own park system for the purposes of these playgrounds? In our own city the occupation of vacant lots—in the suburbs there are many—has been found very profitable for the purposes for which playgrounds are instituted. The cost is nominal, if anything at all ; and the insured preservation of these lots from nuisances has been regarded as equivalent to their occupation.

Mayor QUINCY.—We do all three things more or less. We have used a very large park or playground or athletic field for foot-ball games, etc. ; and I believe in laying out a large park or one good athletic field. We have also hired local playgrounds, but it is a temporary resource, and does not secure the permanent site.

Mr. McKELWAY.—Has this proposition of playgrounds and baths gone

along with a proposition to use the school-house edifices evenings for public purposes?

MAYOR QUINCY.—I am sorry to say that the latter proposition has not been much agitated in Boston as yet. It is certainly something I am in sympathy with. It seems senseless to put large sums of money into expensive and elaborate school buildings, with good halls for use, and absolutely restrict them to the use of the school-children during the day. I have had it in my own mind, and intend to start some action in the future.

MR. MCKELWAY.—I would like to ask the mayor if his experience is not this: if you let everybody into a park or playground, there is no public badness resulting. Does it not make morality and decency a controlling percentage of demeanor there?

MAYOR QUINCY.—That has been our experience, with proper attendance. In the most thickly populated part of the city, where Jews and Italians congregate, with a sufficient force of attendants we have not had the slightest disorder at all, although used by men and women of all sorts of nationalities. The question of order takes care of itself with a minimum of police protection and proper officials. A great deal, in my mind, depends on the man in charge. If he is a man who makes the public understand that a certain standard of decency and order is to be kept up, it will be done.

A GENTLEMAN.—You have to deal with the problem of bathing suits at these baths. How do you manage it?

MAYOR QUINCY.—The question brings out a point I have not had time to mention in my paper. We have adopted the policy this year of supplying bathing suits free to boys and girls, and that largely on educational grounds, in order to induce them to learn how to swim; and, as we could not distinguish those who wanted to learn to swim from those who did not, we adopted the theory that all children should have bathing suits free. Adults pay only five cents for the use of one suit, except at the central bath at the North End Park, in the Jewish and Italian quarter, where we have arbitrarily adopted the rule that bathing suits shall be free. The small cost of five cents would be a large fee for people in that neighborhood, and we want to induce them to bathe. Anybody can bring his own bathing suit without charge. We charge for use of towels one cent each, and we have had between two and three hundred thousand towels used at that rate. The city has expended about six or seven thousand dollars to provide these bathing suits and equipment to begin the season on. I have no doubt that the reason for the large attendance over last year has been the facilities which have been offered in bathing suits, and, as a result of our experience, I believe in supplying free suits to children, and, in supplying adults with suits at a cost not to exceed five cents.

PRESIDENT BALDWIN.—I believe that in small cities and under favorable conditions permitting the bathing of children, and even adults, at certain hours without bathing clothes, adds extensively to the interest that is taken in the amusement, and perhaps even to its benefits. For bathing clothes that are used again and again, by everybody, soon become themselves anything but agents of cleanliness. I remember, in London, of seeing children bathing without suits in the early hour of the morning in Hyde Park, sheltered by trees. In the city where I live myself, in New Haven, I have the honor to be one of the park commissioners; and we have adopted rules by which we permit all men and

boys to bathe without bathing clothes at bathing stages, and we have also made the park in the poorer portion of the city — the manufacturing portion, which is patronized largely by working men and boys — subject to the same provisions. We have also in one of our suburban parks, about four or five miles from the centre of the city, provided two bathing stations and sheds where bathing is permitted without bathing clothes, at one of them throughout the entire day, it being in a very sheltered spot, and at the other, adjoining the public drive, we permit swimming all hours except between two and seven. We also have at that park a sea-bathing place for women, where bathing clothes are furnished at a charge. And I assure you that the men and boys from the town, the poorer men and boys particularly, have enjoyed extensively the facilities thus offered at New Haven, both in the city and suburban part. They have come there on their bicycles, they have walked out, and in every way showed their appreciation of the privileges given by the commissioners.

Mayor QUINCY. — I would like to say a word about one subject that has some relation to the general topics we have been considering. The city of Boston has started within the year an experiment, the establishment of a camp, under the auspices and direction of the city and paid for by the city, for boys between the ages of ten and fifteen who otherwise could not get any outing or vacation. We have had in that camp, which is on an island in the harbor, in a suitable position owned by the city, for about eight weeks, one hundred boys. And I want to take this opportunity to express to this audience, interested in subjects of this nature, my belief in the value of work of this character where local conditions make it possible, and to say that I believe that next year we shall enlarge this camp to a capacity of five hundred at a time to run ten weeks. And here, again, I put the justification of this expenditure upon educational grounds; namely, that by getting together this body of boys we can give them a kind of instruction different from the sort of instruction they receive from school-books and the school-room, which will be none the less of value to them. That camp is maintained at an expense to us of \$2 per boy per week. We ran the steamer that takes them down to the island. Transportation costs nothing. And, as we own the land and pay nothing for rent, with \$10,000 we could pick out five thousand boys in Boston who most need that sort of outing, that sort of training, and give them the benefit of this invigorating life for a week in the open air, with opportunities to bathe, boat, and exercise and the various sorts of instruction which goes with it. We induced a number of gentlemen to go down and deliver informal talks and relate their own experiences to the boys. Sea captains gave accounts of their voyages.

We can give to those boys a kind of instruction which will be absolutely different from what they get in the winter, which will be of value from an educational standpoint. We all of us know how much value there is in some sort of a trip, some sort of a journey in the summer time away from home; and we can justify this expenditure upon the basis of the actual training and educational aid we can give the boys in camp. I thought it would be interesting for you to know that this departure had been started in the city of Boston, and what it cost us to carry it on. It seems to me that there can be no better kind of social work than that of providing for those who cannot get an outing in any other way; and, owning the island and the facilities for transportation, it occurred to us that it would be a good idea to use them, and we have used them, and are satisfied with the results.

4. THE PROPOSED ANGLO-AMERICAN ALLIANCE.

BY CHARLES A. GARDINER, A.M., PH.D., OF THE NEW YORK BAR.

[Read Wednesday morning, August 31.]

The history of the ancient world is a history of dying nations. One by one they were swept from existence and disappeared with their condemned civilizations. It is with a species of horror, says Hugo, that "we behold in the background of centuries those immense vessels, Babylon, Nineveh, Tarsus, Thebes, and Rome, sunk by the terrific blasts that blow from the mouths of darkness." Mediæval and modern States have lived longer, yet for two thousand years death has claimed its victims with ever-increasing fatality. Tribal and state entities are fewer to-day than ever before; and conquest, absorption, and death menace the survivors. Intense concentration characterizes modern life. Steam and electricity have eliminated space and time until the world is now not one-tenth as large as in 1800; private rights are aggregated into corporations and trusts; and strong nations reflecting the spirit of the age grow larger and stronger until the nation and the race become identical, while weak States grow weaker and die or are absorbed by the strong world powers.

In continental Europe and Asia, Russia is the only virile, invincible, and increasingly dominant power, and its domains are practically coincident with the Slavic race. In the Western Hemisphere the United States is supreme, and in the rest of the world Great Britain,—two nations whose territories embrace the Anglo-Saxon race. These three nations and two races, in the ultimate analysis of human power, rule the world. Thousands of miles from their seats of government, on the other side of the globe, they have met, face to face, for the first time in history. For two hundred years Russia has struggled to reach the open sea, and to-day her flag floats over Port Arthur. England has been in the Orient for a century. America now holds the Philippines.

Shall it be America for Americans, segregation from the rest of the world, a policy of isolation, and internal development with-

out external expansion, or shall we keep the Philippines, and enter the lists with England and Russia for the trade and empire of the world? If the latter course, shall we encourage alliances or shun them; contract offensive and defensive treaties or avoid them? The answers to these questions are one, and are not found in recent events, but in social, economic, and political forces that have been silently at work for centuries. The history of three nations and two races is involved, and the issues are the most momentous before the world to-day.

The Russian Empire, spanning Europe and Asia, embraces one-half the combined area of both continents, is nearly two and one-half times as large as the United States, and is steadily expanding to the south and east along a wavering frontier line of ten thousand miles. Her policy of aggression is the most consistent and inexorable in the world. Once formed it is never changed, Eight hundred years ago Russia attacked Constantinople, and failed; in the Crimean War she would have annihilated Turkey had not France and England intervened; now with a part of Armenia in her possession, and Germany and France at her side. she hopes soon to defy Great Britain and absorb the rest of the Ottoman Empire. For a hundred years she has been acquiring portions of Persia, and her protectorate to-day is so autocratic over the remainder that the shah is virtually a Russian vassal. China, north and east of Peking, she claims as her sphere of influence, and she is now disputing with England the sovereignty of the great central region south of the capital. When it is realized that Siberia borders the empire for five thousand miles, that Tartars and Moguls inhabit both sides of an imaginary boundary, that China is helpless, and that England, single-handed, has confessed her impotence, the probabilities are strong that Northern, Eastern, and a part of Central China may soon pass under the rule of St. Petersburg.

Such is Russia to-day, and as she hopes to be in the near future; a continuous, compact, unconquerable domain, with a teeming population of five hundred million people through whose veins will flow the invincible virility of Cossack, and Tartar and Slavic blood; a nation that eliminates her conquests from the trade of the world and monopolizes the commerce of her subjects as well as their territory; a nation that has Russianized every people it has conquered, until the nation and race are identical, and that race the one on the whole globe most inimical to every element of

Anglo-American civilization; differing from us in language, literature, religion, and government, and vigorously antagonistic to all our conceptions of human rights and human duties. This great power is opposed to an Anglo-American alliance, and to protect her interests, has hastened to Washington her ablest and most subtle diplomat.

Great Britain, staggering under the repeated diplomatic victories of Russia and her allies, has explained through her Colonial Secretary that, when the Chinese-Japanese war revealed China not only as a dying nation, but even then as almost dead, she sought to induce Russia to abandon political predominance and military occupation of the empire, and failed. War was the alternative, but England deprecated war because, as Mr. Chamberlain said: "History shows us that unless we are allied to some great military power, as we were in the Crimean War, we cannot seriously oppose Russia." And he admitted: "It is impossible to overrate the gravity of the issue. . . . If the policy of isolation, which has hitherto been the policy of this country, is to be maintained in the future, then the fate of the Chinese Empire may be, probably will be, hereafter, decided without reference to our wishes and in defiance of our interests."

Just as this peril seems to be culminating, the portentous figure of the American Republic, armed, alert, victorious, rises slowly in the Philippines. Shall America keep the islands? This question has become fundamental to the consideration of an alliance. Without the Philippines, the prejudices and environment of the past might control discussion; but with them, an alliance becomes the most important problem of our New World relations.

It has taken us nearly a century to push our domain across the Alleghanies, through the plains of the Mississippi, over the Rocky Mountains, and along four thousand miles of the Pacific coast. The original thirteen states were a mere fringe along the Atlantic. We started on our westward expansion by bringing in immediately the Great North-west Territory; in 1803 we purchased Louisiana, whose area was 1,171,931 square miles; in 1819 we added Florida, and 59,268 square miles more; in 1845 we annexed Texas with a territory of 376,133 square miles; three years later came the Mexican Cession, which added 545,783 square miles; then the Gadsden Purchase in 1853 of 45,535 square miles, and, finally, the Alaska Purchase in 1867 of 577,390 square miles more. Thus by conquest, annexation and purchase, within a hundred years, we have

expanded our territory westward over 3,250,000 square miles. We are now engaged in pushing our coast line 2,000 miles farther out, to Hawaii. We own the Aleutian Islands, almost at the gates of Japan. In Samoa we have naval and coaling rights. An island in the Ladrões will soon be ours. Why turn back from the Philippines?

It is objected that the islands are extra-territorial and non-contiguous; but Porto Rico is 1,000 miles from Florida; Hawaii is 2,000 miles from San Francisco; the nearest point to Alaska is 500, and its farthest point 1,600 miles, from Seattle; and the Aleutian Islands extend not only 2,400 miles from our borders, but into the geographical system of another continent.

It is objected that military government may have to be maintained for years, contrary to the spirit of our institutions; but military government existed in the Carolinas, Florida, Alabama and Arkansas, from 1865 to 1868; in Mississippi and Georgia from 1865 to 1869; in Virginia and Texas from 1865 to 1870; and in Alaska from 1867 to 1884.

It is objected that colonial or territorial government may continue indefinitely, while statehood is contemplated in the Constitution; but the right of admission to statehood is permissive only, and not a constitutional obligation. Moreover, the Constitution does not prohibit the acquisition and maintenance of colonies, and the Supreme Court has decided that Congress may acquire colonies and govern them as it chooses. Even if the islands should be organized into a Territory, the temporary or permanent character of the government would rest entirely in the discretion of Congress. Alaska has been a Territory for thirty-one years, and Arizona and New Mexico for fifty-two. It was fifty-nine years before Wisconsin, and eighty-three years before Montana, became States.

It is objected that the inhabitants are alien races, habituated to other institutions and forms of government; but Florida, when acquired, was peopled by Indians and Spaniards; Louisiana by Spaniards, French, and negroes; alien races and institutions existed in California, Colorado, New Mexico, and Arizona; and Alaska had Indians on the Yukon and Russians in Sitka.

It is objected that we will abrogate the Monroe Doctrine; but that doctrine, freed from its academic cobwebs, is the non-intervention of European powers in matters relating to the American continent. Its converse is non-intervention of America in matters

relating to the European continent. That has nothing to do with American intervention in Asia, nor with legitimate expansion of our territory in the Orient. If we are abrogating the doctrine, it must be because the Orient is exclusively for Orientals, and not for English, and Russians, and Germans, and French, and Hollanders, who are all there now, and fast appropriating the Orient to themselves. The Monroe Doctrine has no practical, nor even academic, application.

Finally, it is objected that we will be involved in entangling alliances and depart from the precepts of the Farewell Address; but Spain provoked continuous trouble at our very doors for a hundred years; Mexico and Central and South America have had revolutions without number; Great Britain bounds our territory for thousands of miles; and yet for a century we have avoided entangling alliances, although both propinquity and provocation existed.

The situation is one of sharp alternatives. Either we must abandon the Philippines, retire to our own continent, curtail our products, content ourselves with local commerce and local politics, and prepare to protect our Pacific shores against the very powers we would face in the Orient; or we must push our coast line to the farthest west, keep the islands, and assume the responsibilities and improve the opportunities of their possession. Had Spain been victorious at Manila, she would have swept our coast from San Diego to the Yukon; and if we now withdraw from the East and abandon our conquests, any overpowering fleet may hereafter ruin our commerce and devastate our Pacific shores with little opposition. If we turn back, it will be such a retreat as England might make before Russia in China, or before Russia and France in Egypt, or before France and Germany in Central Africa. It will be the first halt in our national progress; the first staggering and wavering and looking back in our national life. When growth stops, decay begins. If we turn back, we may find Lord Salisbury's danger signals pointing to the mausoleum of nations!

But backward will not be our course. It will still be outward, and westward, on the great ocean. There all the nations are concentrating their energies. England pushed through the Canadian Railway to foster her Pacific trade. Russia is building her trans-Siberian road for the same purpose. Germany and France want ports and trading areas. Of all the nations struggling for the trade of the Pacific, ours is the only one naturally entitled to it. London

and Paris and Berlin and St. Petersburg are on the other side of the globe ; but we have a Pacific coast line of four thousand miles. The Philippines mean our ultimate supremacy in the Pacific. They are the easternmost boundary of the markets of the East. On one side they face China ; on the other they look across to our own shores. Stretching one thousand miles from north to south and six hundred from east to west they form a natural barrier between the East and the Pacific, nature's stronghold for sustenance or defence, where the greatest commercial developments of the future are to take place. Through these islands, American merchantmen will pass to the trade of Asia ; and along the same waterways our forts and men-of-war will effectually protect the Pacific against hostile fleets.

Scattered over six hundred thousand square miles of the ocean's surface, the whole vast area will serve as an outpost from which to protect and develop the interests of America.

Facing the Pacific and Indian Oceans is more than half the population of the globe. Excluding North America, the foreign commerce of these peoples already amounts to \$2,500,000,000 a year. History shows that whatever nations controls this commerce controls the trade of the world. The stake at issue is stupendous. Nothing less than an entire and undivided control of the Philippines would give us a base adequate for our needs. Manila Bay or even Luzon for a naval and coaling station would be too perilous and costly a possession, with all the other islands partitioned and garrisoned by European powers. Let England's experience with India and China be a warning. India conquered and governed, has been a mine of wealth. China, exploited through trading posts, is a burden and a constant peril. We want the Philippines, not Manila, just as England to-day needs Central China, and not simply Hong Kong. We own the Philippines by right of conquest, no other nation does ; we are in possession, no other nation is ; we can maintain stable government, Spain cannot, and the natives are incapable of self-rule. I can conceive no reason to give away, or sell, or lease, or abandon a single foot of the territory. It would be to lessen in that proportion the greatest opportunity Providence ever placed before the nation. With the Philippines, Ladrões, Samoa, and Hawaii, our possessions will reach across the Pacific, and on all great trade and cruising routes an American ship will never be more than two thousand miles from an American port. The commerce of the Pacific will become the commerce of America in a larger degree than of any other nation ; the Pacific itself will be

ours pre-eminently; our territory will bound it on two sides; our islands will dot its surface; and with the ocean and its trade in our possession, our political predominance will be assured among the nations of the world.

Such is the broad plane of international relations, upon which alone it is wise to discuss an Anglo-American Alliance.

A formal, articulated alliance, in the European acceptance of the term, and as represented by its Dreibunds and Kaiserbunds, is an artificial bond, arbitrary in character, and essentially military in purpose. It implies constraint, disregards national conscience, eliminates national judgment, and discourages individuality of national action. If defensive only, England would defend us, and we would defend England, against the world, irrespective of past relations, present friendships or future interests. If offensive and defensive, each would be a party to the quarrels of the other, without the exercise of discretion or judgment. Such an alliance would increase entanglements; international impartiality would be impossible; each nation would be fettered and hampered; discussions of compensations and advantages and equivalents would follow; and friction and irritation would finally degenerate into open hostility. I agree with John Morley that "hardly any more inexpressible calamity can befall mankind than that a community, as Lincoln nobly said, conceived in freedom and dedicated to the happiness of free and equal men, should entangle itself in the unrest and intrigue of militarism which are the torment and scourge of the Old World." It was against such alliances that Washington warned us, and his advice is sound to-day. We want none of them. We need no alliances offensive and defensive, nor permanent and comprehensive treaties.

More powerful, however, than formally articulated alliances and more enduring than written treaties is the bond of interest and sentiment that unites the two branches of the Anglo-Saxon race. Next to giving us the Philippines, the greatest blessing of our late war was to rediscover England and America to each other. The two peoples, now for the first time in a century, earnestly desire each other's friendship. Nor is this a sudden aspiration born of emergencies in the Spanish-American war, but the result, as we have seen, of economic, political and racial forces which have been silently at work for centuries. The great unwritten and natural laws, the laws higher than human institutions, are asserting their supremacy, and drawing the two peoples together with an impulse

that no human power can safely resist. These two peoples think the same thoughts, speak the same language, obey the same laws, and worship the same God; and over the victories of Santiago and Manila, irrespective of Parliament and Congress, they have acknowledged and proclaimed an alliance based upon the unwritten mandates of the nations and supported by the higher laws of the race. That alliance is identity of blood and interest and sentiment. That alliance is no theory. It is an actuality. It is fast assuming form and compelling recognition, and woe betide any man or party that disregards that fact and gets in front of an inexorable racial movement backed by one hundred and twenty-five million enlightened sovereigns!

Lurking behind Europe's ill-concealed hostility toward America, is dread of the commercial expansion of the United States and recognition of the common commercial interests of the two Anglo-Saxon nations. America contains to-day seventy-five millions of the most ingenious, intelligent and active producers in the world. Our resources for production are greater and more varied than almost all other nations combined. Production is far exceeding consumption. The result is that we must find additional markets or curtail our products. Hence our intense and increasing interest in the world's commerce, to which we gave scarcely a thought when the country was young. And wherever we go, in whatever direction we expand our trade, there we find Great Britain already established, maintaining open markets, forcing wide the doors of commerce, and developing trade interests identical with our own.

The area of England and her colonies is 16,662,073 square miles, more than four and a half times the size of the United States; and the population is 361,825,000. These possessions, too, are constantly increasing. In the past twelve years England acquired 2,600,000 square miles, more than twenty times the combined area of the Philippines, Porto Rico, and Hawaii; and all this territory is open to America on practically the same terms as to Great Britain.

Our exports to England, Ireland, and Scotland in 1867 were \$225,090,224; in 1877, \$345,961,055; in 1887, \$366,310,679; and in the fiscal year ending June 30, 1898, \$540,860,152; an increase in 31 years of 140 per cent.; in 21 years of 56 per cent.; and in 11 years of 48 per cent.

Into remote British possessions and markets we are pushing our commerce and discovering untold possibilities. Our exports to

British Africa in 1867 were \$1,461,623; in 1877, \$1,398,261; in 1887, \$1,471,909; and in 1897, \$13,096,643; an increase in 30 years of 796 per cent., in 20 years of 836 per cent., and in 10 years of 789 per cent.

Our exports to British Australasia in 1867 were \$5,126,490; in 1877, \$5,885,467; in 1887, \$9,668,435; and in 1897, \$17,460,283; an increase in 30 years of 241 per cent., in 20 years of 196 per cent., and in 10 years of 80 per cent.

Our exports to the British East Indies have gradually increased from \$398,920 in 1867, to \$3,842,039 in 1897, an increase in 30 years of 860 per cent.

Even in China where England single-handed is opposing Russia, we pass through the doors she forces open and in her own sphere of influence compete with her own merchants for their local trade. Our commerce amounts to one-seventh of all China's foreign trade. Last year it was three times as great as in 1895, four times as great as in 1890; 50 per cent. greater than that of Germany and second only to that of England.

In fact, in Great Britain's own territory, as well as in the ports held open by her diplomacy and arms, we are her chief rival. Our trade ranks second to her own, often aggregates more than the combined continental imports, and, as we have seen, is rapidly increasing.

And what is the startling and incredible aggregate result of this alliance of trade interests? In the fiscal year ending June 30, 1897, our entire exports aggregated \$1,050,993,556, and our exports to British dominions and spheres of influence were alone nearly 60 per cent. of that sum. During the same year our exports to Germany and all German colonies were 11.91 per cent., to France and all French colonies 5.74 per cent., and to Russia and all her dominions .77 of 1 per cent., of our export trade. In other words, our British exports were 5 times as great as our German, 10 times as great as our French, and 75 times as great as our Russian; 240 per cent. greater than our exports to Germany, France and Russia combined; and 50 per cent. more than our exports to all the rest of the world.

These facts need no comment. They establish the corollary, however, that if you curtail British territory or British influence, you necessarily curtail American commerce. Turn England out of China, and American commerce will go too. If France and Russia should drive her from the Nile, American trade would

immediately disappear. In proportion as Germany and France appropriate the Dark Continent, British and American commerce suffers.

Our trade in the Orient is now \$35,000,000 per year, and under normal conditions it will soon be \$100,000,000. All along our Pacific coast this new trade impulse is felt. Our general increase of exports during the fiscal year ending June, 1898, was 17.3 per cent.; but, while our Atlantic ports increased 17.61 and our gulf ports 8.6 per cent., the increase of our Pacific ports was no less than 25.7 per cent.

All that trade is now seriously menaced by Russia and her allies in the East. In the present anxious position of affairs may we not greatly assist England? And incalculably benefit ourselves? What right have we to stand supinely by, and let Great Britain fight our trade battles? Is it just? Is it becoming in a great nation? What, if unaided, Great Britain should fail? When the trade interests of the two nations are identical, as in China, and those interests are imperilled, are not temporary trade alliances both justifiable and necessary?

Last November, Austria's minister of foreign affairs used this threatening language: "The peoples of Europe must fight shoulder to shoulder against the common danger, and must arm themselves for the struggle with all the means at their disposal." This "common danger" and "struggle" refer to the American invasion of continental markets. If joint action should follow Austria's advice, would not a well-defined trade alliance between England and America, against Europe banded for the destruction of the commerce and industries of both, be justified on every ground of self-interest and self-preservation? And if the united diplomacy of Great Britain and America should not avail, with Russia and Germany and France, to abolish prohibitive discriminations in Chinese ports, why should not a trade alliance establish discriminations against the commerce of those nations in British and American ports?

We have a valuable export trade with Germany and France; but so have they with us. Besides, every European nation except Russia, is largely dependent upon our food products. Statistics show that the slightest disturbance in our cereal exports precipitates bread riots in more than one European city. Europe is affected by any emergency that isolates her from our wheat-fields; particularly helpless would she be if cut off from the territory

dominated by Anglo-American influence. Even Russia is often forced to become an importer of grain. England, Ireland, and Scotland grow wheat enough to feed themselves for only fourteen weeks. We furnish nearly all the balance. Usually, the supply in the United Kingdom, at any one time, will not last two months, and often not one. So serious is England's situation that the Yerburch Committee recently advised as a war measure the permanent storage of 32,000,000 bushels of wheat.

Every nation in Europe is to-day more dependent on America than on any other single nation. Hence, if we make necessary trade alliances with England to protect our European, Asiatic, and African commerce, we can defy the rest of the world to do its worst; and it can do nothing.

Another utilitarian basis for alliance is the maintenance of peace. Great Britain alone averted the active interference of Europe in our late war. She refused to join the European concert, and her suggestion of an Anglo-American alliance sobered every European power. Hence, while menaces of America have moderated in the European press, even superficial observers understand that the attitude of the European Powers is now best described, not as anti-American, nor even Anti-British, but as broadly hostile to the Anglo-Saxon race. They all dread concerted Anglo-American action. And England knows and America knows that all the nations together could never stand against it. Europe will invite no open breach with two gigantic world powers, conscious of their innate strength and elated by the recent victories of American arms backed by the moral support of England.

But peace fosters trade, and trade demands peace. In short, the Empire is peace, it means peace, it needs peace; and the same is true of the Republic. The interests of the two peoples in trade and peace are common and supreme. A mere determination for peace will impress it effectually wherever the power of the race extends, and such a guarantee of peace will go a long way to make war impossible and settle the affairs of the two nations in conformity with the principles of natural justice.

An alliance between England and America to adjust their controversies by means of enlightened arbitration has already been introduced into practical politics. The time is opportune for its reintroduction. If the friendly sentiments at Westminster and Washington should be promptly utilized to enact a treaty of arbitration, such an alliance would be justified on every ground

of common and reciprocal interests, would have the moral and political support of both nations, would establish a most beneficent precedent for the international adjustment of the affairs of mankind, and would do more than any other single act to make possible the disarmament of nations and the maintenance of universal peace.

If war should give way to arbitration, and under a peaceful primacy one race should dominate, can we doubt for an instant that, irrespective of common interests, common national sentiments would compel united action, and make the Saxon supreme? It is not conceivable that England or America would contemplate with equanimity Slavic domination of the world; a Russian world-language instead of our own tongue; the despotism of the czar instead of personal liberty, cherished by our race even before Magna Charta.

The grandest thought of the century is this convergence of the Anglo-Saxon race. What more ennobling conception can engage the attention of any association of scholars and thinkers? As citizens and individuals, our duties ally us with this beneficent movement. Let us promote a unity already begun; let us encourage the common interests and sentiments of the nations; let us, so far as in us lies, consummate in our day that alliance of kin predicted by the wise and good of three generations, as the "noblest, most beneficial, most peaceful primacy ever presented to the heart and understanding of man."

The Anglo-Saxon race occupies all the lands "fair to look upon" in Asia and Africa and America and the Isles of the Sea. It is one hundred and twenty-five millions strong. It rules three hundred and ten millions more. Within all its borders, human intelligence has the freest exercise, public conscience is the most powerful, law is the most respected, crime meets the swiftest punishment, and the energies of the race are combined in evolving the highest good of mankind; and England and America, its two branches, isolated from the rest of the world and that isolation increasing, but no longer isolated from each other, will hereafter in all divisions of the world's affairs be found together, fostering common interests, cherishing common sentiments, and pursuing common action, for their common good.

Hon. ST. CLAIR MCKELWAY.—Mr. Chairman and friends, I have nothing to suggest about the proposed Anglo-American alliance. I did not hear one word of Mr. Gardiner's paper, but I read every word of it before it was delivered.

Now as to this proposed Anglo-American alliance. Let us take the words as they are. Proposed by whom? Not one word upon the subject has proceeded from the Court of St. James, not one word upon the subject has proceeded from the administration at Washington. Yet it has been styled proposed. It was first with reference to matters which are now in the general thought proposed by Mr. Chamberlain. He made an unauthorized speech in Birmingham about the time when matters looked dark for his policy at home and for the representative of his policy, Mr. Cecil Rhodes, in South Africa, and to the effect that England had never been successful in a European war without a military alliance; to the effect that, unless such an alliance with some effective continental power could be formed, English policy toward Eastern events would have to be a policy of interested observance or calculated non-interference, and perhaps an involuntary acquiescence. When that speech was delivered, public opinion was divided upon whether a new policy had been proposed from the centre of the Salisbury cabinet or whether an adventurous minister, not destitute of the desire to force himself to the front, had spoken unadvisedly.

The Liberal press in Great Britain insisted that Mr. Chamberlain spoke for the government. The Conservative press insisted that he spoke for himself with an undissembled desire that he himself would like to be the government. Lord Salisbury at a banquet in London made, as it were, an aside remark to the effect that one prematurely over-zealous friend could do more harm either to a political policy or to a theological system than any number of candid opponents. Nevertheless, the word "alliance" was brought to the foreground. Then came the incident in the world's affairs, the epoch-making event in our own affairs, of the war between these United States and Spain. It is now unofficially known — and I have no doubt that before long it will be officially known — that overtures looking to a concert of European powers against the United States were made or were mooted; that the first overture made or mooted was to the effect that hostilities should be prevented; that the second was to the effect that they should be arrested; and in that second was merged the intention of the third, that, if hostilities could not be prevented and if they could not be arrested, that in consequence of them and in the settlement of those consequences, a partition or distribution of results among unconcerned but not uncovetous peoples should follow, if necessary, by the act of force. Well, the making of a bargain or of an overture requires more than one. The submission informally of these overtures to Great Britain encountered the reply that that nation would be no party to the prevention of hostilities unless asked for by the United States as well as Spain; and that under no circumstances would the government be a party to the arrest of hostilities except at the request of Spain, and then in the kindest way, by the tender or suggestion of good offices to the United States; and that, in the intended event of any claim to appropriate or to govern the distribution of the results of the war, the action of England, in the event of any action of any European power in the interest of Spain, would comprise the offer of the use of her fleet and army to the government of the United States.

Now this has come about from a state of mind: it has not come about from an alliance. This has come about from a unity of interests. It has also come about, in part, from a unity of traditions and from that identity of language and lineage and literature about which so much has been so often eloquently said, that even the pretext, let alone the text, for saying more at this time is

happily removed. I do not believe that an alliance between the United States and Great Britain for offensive or defensive purposes is possible. I do believe that an understanding of common action and common purpose within our unity of interests and oneness of tradition is possible. I do believe that this possibly has come through the widening and the enlarging and the illuminating influences of the struggle through which we have just passed; and I do believe that the bonds of common interest between the two countries in the markets and in the management of the world will be settled as the points in difference between the two countries have heretofore been settled, and that the method will be, not by the projection of a hard and fast alliance, but by the breath of sentient qualities, the intelligent and morally mandatory exchange of views and of purposes between the representatives of the governments, and by the knowledge of the magnitude and the meaning and the significance of that understanding on the part of the other governments of the earth.

Part of Mr. Gardiner's paper made reference to arbitration. I think that the treaty which was proposed to the Senate of the United States for the formation of a board of arbitrators and for the establishment of a system of arbitration had a very instructive and significant experience in the Senate, in the press, and in public opinion generally. Though a vote of two-thirds was required to ratify that treaty, and a vote of two-thirds to ratify that treaty was not secured, yet a vote in favor of its ratification by considerably more than a merely numerical majority of the Senate was secured. That vote represented friendliness to the principle of arbitration. The failure to command a two-thirds vote in the Senate represented the sincere conviction on the part of various members of that body that the terms of that treaty, whether as originally framed or whether as subsequently altered under the action of the Senate, were either not favorable enough to our own interests or were likely to work, in the outcome of their application to any specific condition, confusion, misunderstanding, and difficulties that could not then be foreseen, but the possibility of which should be carefully taken into account.

I think those of us who would have arbitration because it is a grand and a good thing were unjust to those who were against that treaty, because, as a specific thing, it might not have been for our interest to ratify it. I think that the friends of arbitration as an economic principle were unjust to the opponents of the treaty *per se*, and that the very large majority, much larger, as I stated, than a mere numerical majority of the Senate, cast for the principle of arbitration in the form of the treaty itself, gives to us an encouragement that we have no cause to surrender. The encouragement is this: that, whether we have or have not a method of arbitration, we will always have the spirit of arbitration at the outset of every difference between us and all other countries, and that on each specific occasion of difference that arises between the countries we will have an extemporized tribunal of our own citizens and their citizens for the specific consideration of the specific case, the view of which will always make toward peace, and the result of which will be the estimate of the idea of war between the countries as an impossible proposition. I believe in arbitration as a principle, and I believe in mediation in all instances. I think the questions of trade, the questions of finance, the question of interchange of visits, the incidents of the settlement now going on at Quebec,—all these incidents are making for peace and good will between the two nations, just as a spirit of amity

makes for peace and good will between two neighbors, without the intervention of a third tribunal to arbitrate differences between them, with possibly the result of making lawyers manufacture differences in order to give their tribunal a chance to work.

I wish, in illustration of the proposition that we can trust to a state of mind better than to a hard-and-fast alliance or to a hard-and-fast system of permanent arbitration, to state one or two facts which may not be known to all of you here, which certainly have not been published, but for the authenticity of which I can positively vouch. The facts are apropos of our late war. When the United States minister to Spain, an honored citizen of my own city, went to that country, he found that the court was absent from the national capital, and was at the seashore on the north. He found that the precedent for the presentation of any minister to the court while it was absent from the capital did not exist, and that time was needed for that presentation at the seashore, precedent to the contrary notwithstanding. He also found that, until he had been presented and received as minister by her Majesty, the Queen, that it was not within his power to make calls upon his fellow-ministers from other countries or for them to make calls upon him. He thus was in a condition of rather enforced isolation in an unfriendly environment. It occurred to General Woodford to present to the British ambassador a letter of introduction which he had. Hon. Oscar S. Straus had given to the general an informal letter of introduction to Sir Drummond Wolff, ambassador of Great Britain to the court of Spain. When Mr. Straus and Sir Drummond Wolff had been ministers of their respective countries at Constantinople, a friendship had sprung up between them, which was warm and long-continued. When Gen. Woodford sent Mr. Straus's letter of introduction to Sir Drummond Wolff, that official wasted no time on formality, and took, as between himself and General Woodford, no cognizance of official barriers. He instantly paid a friendly call, friendly in the fullest sense, formal in no sense whatever, upon the American ambassador. In the course of their conversation the American minister developed to Sir Drummond Wolff the case of the United States in the grievance against Spain. That case had been most carefully and minutely formulated and sustained by all possible authorities. The disclosure of it to the representative even of a friendly power, in addition to its disclosure to the government for whose consideration it was primarily designed, was novel, was hazardous, but under the circumstances and with reference to the result proved to be admirable. The British minister requested a copy to be made of the case of the United States, which was furnished to him for his personal inspection. He made a copy of his copy, and sent it to Lord Salisbury.

When Spain, France, and Germany made overtures to England with regard to a possible concerted action, if not in the spirit, at least with the effect, of unfriendliness to the United States, those who made that overture received the statement that the case of the United States as against Spain was within the knowledge of the government of England, and was by England made the case of England against Spain and the case of England and the United States against the world. Our good-hearted but not wholly technical minister, in the fulness of his candor, acknowledged that he had given to the British minister at Madrid this copy of the American case. He was very sharply reprimanded by the acting Secretary of State in the month of December, 1897. About the middle

of February, shortly after the destruction of the "Maine," the ambassador of England to the government of the United States made such representations to the President of the United States of the favorable effect of the reasoning and of the facts in that case upon his government at home and upon the intention of that government at home, that the President of the United States penned a personal recantation of the censure and a personal apology, and a strong personal commendation of the spontaneous action of our ambassador at Madrid.

I take this instance to be a confirmation of my argument for a state of mind, and nothing else, between the two countries, and, with that state of mind, for a belief in the intelligence and virtue of the people of both, and for a belief in the benign ordering of their impulses by that Being in whose hands are the forces of nations as well as of men.

[The Chairman of the Finance Department, Professor J. W. Jenks, of Cornell University, briefly introduced Secretary Vanderlip in the following words:—

Difficult as questions of finance always are in times of peace, the practical question of raising revenue becomes much more complicated in time of war, when we have to provide more revenue, and to secure it promptly by new means. It would therefore seem proper and fitting at this particular time to have an address on war financiering, in order that we may see what the nature of this new problem is, what methods are adopted by this government, and what, in the opinion of an expert, are the best methods for meeting the difficult conditions of war-time. We have been fortunate enough to be able to secure for this evening the presence of Mr. Vanderlip, Assistant Secretary of the Treasury, who has consented to speak to us on war financiering, and to explain some of the methods that have been employed during the present war.]

5. WAR FINANCIERING.

BY HON. FRANK A. VANDERLIP, ASSISTANT SECRETARY UNITED STATES TREASURY.

[Read Wednesday evening, August 31.]

Gold and gunpowder are equal requisites in modern warfare. The courage which forgot all rules of military practice, and by its sheer moral force irresistibly accomplished the impossible at San Juan and El Caney, has added wonderfully illuminated pages to our history. The straight aim and steady nerve of "the men behind the guns," which brought back to us from a series of unprecedented victories a navy unscathed, has made the world join us in admiration. It has been as fine an exhibition of moral fibre and personal courage—this record of our men—as history has to offer; but it was not those qualities alone which took the heart and spirit out of the Spanish army—made up of brave men, too—and won the victory for us so quickly. Santiago did not surrender alone to the intrepid army that besieged her. The city surrendered, not only to the moral, but the physical force that army represented,—to the strength, the wealth, the farms and the factories, the national resources which every Spanish soldier knew lay behind the ships and the troops he could see. A rich treasury and a potential ability to add almost without limit to its riches, the resources that backed the determination of the nation, must have played a great part in robbing men and commanders of courage and hope, and must have been important elements contributing to the downfall of Spanish power and bringing Spain to sue for peace.

To trace the financial problem which the war forced upon the country, to follow the means devised by Congress which were brought into play, to record the triumph of war financiering,—as complete in its way as the victories of the navy and the army,—is, therefore, an essential and important chapter of war history. Columns of figures and marshalled statistics are at best dull and wearying. When compared with stories of bravery, with pictures of victories, with details of history-making action, they are tame, indeed. But there is still—if we will remember what they typified—back of them an inspiration which gives dignity to plain facts of dollars and taxes and bonds.

War expenditures jumped in a moment from nothing at all to a million and a quarter a day, and the resources had to be instantly provided. Not alone were the sudden requirements of an expensive naval and military campaign met, the fleet doubled in numbers, fortifications strengthened, armament purchased, empty war-chests filled with ammunition, and an army of two hundred thousand men equipped and transported to the field. Provision had to be made for more than that. It was an indefinite problem the Treasury had to face. Expenses were ambuscaded as effectually as was the enemy when the Rough Riders charged at Guasimas. At the breaking out of hostilities from no quarter could a clean-cut, intelligent estimate be had of the probable expenses of the war. That those expenses were to be heavy and instantly pressing was as evident as was the danger from the first volley of the ambushed foe, but their extent lay somewhere between very wide and very wild guesses. The problem was new. It had to be worked from the first elementary step. Only the men who toiled with tireless energy to accomplish what was done know how ill prepared for war we were. A critical public has too little appreciated the remarkable work accomplished, and dwelt with little sympathy on some of the difficulties that were not fully overcome.

It all required money,—vast sums of money; and the fact that the resources were instantly ready for the first drain, and means were rapidly and intelligently provided to meet all possible future drafts, and that this ample credit was marshalled without bearing as a serious burden upon any citizen or any business interest, and without, up to the present time, producing a flurry of the mildest sort in the great money markets of the country, is a victory won by the Secretary of the Treasury in the field of war financiering

as distinct and remarkable as have been the naval and military achievements in this wonderful campaign.

I shall spare you any attempt at a discussion, from an economical point of view, of the abstract question of war financiering, and leave that for those of you whose lives have been devoted to the philosophy of wealth. I shall merely attempt to recount the simple facts of this extraordinary emergency which was forced upon the Treasury, and the manner in which it was met. I wish to stand more in the attitude of a member of a corporation reciting to the stockholders the facts of an extraordinary situation, and I shall leave for the gentlemen who are to follow all philosophic discussion of the subject.

In order to have an intelligent view of the situation in which the Treasury found itself when war was declared, it is necessary to furnish a background, a review of the Treasury finance for a few preceding months. The first eight months of the fiscal year 1897 had, like the preceding months, through an administration, piled up steadily a deficit, and reached in that time nearly \$50,000,000. All this was in addition to considerable deficiencies in immediately preceding years,—deficiencies which had been met by the sale of two hundred and sixty-two millions of bonds during the preceding administration. It was evident that legislation which would produce a greater revenue was necessary, if expenditures were to be kept at anything like the point they had been averaging; and so, with the incoming Republican administration, work was started on a new tariff bill. As that work progressed, imports enormously increased, in order that the importers might avoid the increasing tariff rates that were in prospect; and, as a result, the deficiency of nearly \$50,000,000 was fairly cut down by the end of the fiscal year, and the final figures showed a deficit of but \$18,000,000. The reduction of that deficit, however, meant anticipated importations to an enormous amount, so that the Treasury outlook, even under the new tariff measure sharply increasing customs dues, was not immediately satisfactory. The new tariff bill was passed in July, and its operations were watched with much anxiety. Month succeeded month, each showing a deficit under the new law; and, in some quarters, there was apprehension that the law, as framed, would not provide sufficient revenue.

One element could not be accurately measured, and that was the heavy importations made prior to the enactment of the law. From March 1 to July 24, the day the act was approved, eight

hundred million pounds of sugar were imported in excess of the sugar imports during the same period of the previous year. The stock thus brought into the country was sufficient to last several months; and, in fact, it was not until the sugar season opened this spring that importations at all approached the normal. When it is remembered that sugar was expected to add to the revenue about \$60,000,000 a year, it will be recognized that the extraordinary importations had a considerable influence upon the monthly deficits. It was the same with wool, the second revenue producer of the customs tariff. Importers rushed their orders, so that between March 1 and July 24 a quarter of a billion pounds were imported. At the same period of the previous year fifty-two million pounds were imported, which fairly indicates that the wool imports of the spring of 1897 were two hundred million pounds above the normal. Even at this date, when the tariff act is more than a year old, some of this wool is still in stock; and the \$30,000,000 expected from wool annually has not materialized. While sugar and wool were the two great items affected, the same conditions existed as to all other articles on which increase of customs taxes were expected. The result was, at the end of the first quarter, there was a deficit for the new year of nearly \$30,000,000; and the Treasury was running behind more than \$300,000 a day. By the end of the second quarter, or at the beginning of the calendar year 1898, there was a deficit of \$44,000,000. The new year began, however, with a full tide of business. We had had a marvelous harvest and a correspondingly fortunate foreign market. International exchange was running strongly in our favor. The industries were expanding, business began to manifest a wholesale revival; and a condition of general prosperity set in as a happy aftermath of the four long years of stagnation and depression which succeeded the panic of 1893. The customs revenues improved, and on the first day of the new calendar year the department was able to report a surplus for the preceding month. That surplus amounted, it is true, to only \$1,714,000; but the fact that it was a surplus held forth a hope that in due time the distressing deficiencies which had embarrassed the Treasury for several years would end.

In January there was a deficit of \$7,900,000, due largely to the heavy interest payments at the beginning of the year. But the short month of February again showed a surplus amounting to almost \$2,000,000, and there was satisfaction.

With affairs in this situation, with the Treasury just beginning, after many months of deficits, to see a prospect of continued, if moderate, surpluses in future monthly statements, there came the incident that shocked the world. With the sinking of the "Maine" sank all hope of a Treasury surplus. War was in the air, and the National Treasury was quick to feel it. The War and Navy Departments began drawing heavily on their regular appropriations, even in advance of any war legislation, and in advance of our formal demands and the declaration of war. Expenditures increased at such a rate that, notwithstanding the resumption of normal sugar imports in March, there was certain to be a recurrence of the monthly deficiency.

The Treasury Department has been at some pains to ascertain the probable revenue under the Dingley tariff act, had there been no war. An authoritative statement shows receipts for the fiscal year ending last June, excluding certain Pacific railroad transactions, were \$340,000,000, and expenditures \$438,000,000, leaving a deficit of \$98,000,000.

Of course, the war has had much to do with so large a deficit. A conservative estimate of war expenditures for the last four months of the fiscal year is \$56,000,000. Taking this from the deficiency for the year, the deficit would be \$42,249,103. That would have been the maximum of a deficit on a peace basis. When, at the close of February, the first month's surplus was shown, there was a deficit for the seven months' period of \$51,901,823. Take from this \$42,249,103, and it is seen that the deficit has been reduced \$9,652,719 during the last five months of the fiscal year. This appears to justify the statement that during the last five months of the year our receipts exceeded our expenditures on a peace basis over nine and one-half millions, or, as otherwise expressed, the tariff law of 1897 produced during the last five months of the fiscal year a revenue which exceeded our ordinary expenditures by over nine millions of dollars. There is reason, then, for believing that the tariff act of 1897 would, if the country had not entered into war, have continued to provide sufficient revenue for the needs of the government.

So far as the outflow from the Treasury is concerned, we practically went upon a war basis with the sinking of the "Maine." This was emphatically true when, on March 9, Congress, by an almost unanimous vote, and without debate, placed at the President's disposal for the national defence, and wholly unencum-

bered by legislative restrictions, \$50,000,000. The Treasury held on that day an available cash balance of \$224,541,000, and was particularly strong in gold, the free holding of that metal reaching nearly \$169,000,000.

In no year since 1890 has the Treasury been so strong in gold as during the period from July 1, 1897, to June 30, 1898. During that time \$115,173,988 in gold bullion and coin was brought from abroad. Much of this found its way into the National Treasury in payment of customs dues. Sharp changes had taken place during the year in the kind of money taken in at the New York Custom House, which is representative in payments of customs taxes. From the beginning of 1894 to October, 1897, a period of forty-five months, there was scarcely any month in which such payments in gold exceeded 1 per cent. of the total. Beginning with last October, however, the Treasury holding of gold was increased monthly by gold payments on account of customs taxes. During the month of May, when we were in the midst of war, not less than 73½ per cent. of the total payments on account of customs taxes at the New York Custom House were made in gold; and the gold in the Treasury continues to be rapidly added to daily by such payments. In fact, within a few days it may be expected that the net gold-holding in the Treasury will reach the high-water mark. It now stands well above \$200,000,000; and, when it passes \$218,000,000, it will establish a new record, at which figure it was reported in 1888.

Immediately after the declaration of war, Congress set to work energetically to frame a war revenue measure, and, in framing it, showed the greatest patriotism and courage. Congress believed the war to be a popular one,—popular enough, so that heavy taxes would be borne in so just a cause; and a revenue bill was framed which was designed to bring into the Treasury something like \$150,000,000 of additional income. It was extremely difficult to make any estimate of what the drain upon the Treasury would be. The extent and character of the war was a hazard. We feared grave possibilities from the Spanish fleet, and it was evident that we must not stint in appropriations. Coast defences were hastily strengthened, harbors mined, ships bought, and the markets of the world searched for munitions of war. Within a few weeks the greater part of the \$50,000,000 appropriation was expended. An auxiliary fleet, numbering one hundred and one vessels and costing nearly eighteen million dollars, was added to

the navy. With the first call for one hundred and twenty-five thousand troops came the expenses of equipment, and deficiency appropriations were asked for. These followed one another with rapidity, until we had a total of appropriations on account of the war footing up \$361,000,000.

It was probable from the first that, however courageous Congress was with the imposition of new taxes, there was still to be necessity for providing funds more rapidly than could be hoped for from taxation. A bond issue, it was generally agreed, would be necessary; and, in the war revenue measure, Congress provided for an issue of \$400,000,000 3 per cent. 10-20 bonds and \$100,000,000 of temporary certificates of indebtedness.

While this issue of bonds was under discussion, the financial world was not enthusiastically favorable. Some of the leading financiers believed that a mistake would be made if Congress forced the Treasury to attempt to float a short-term 3 per cent. bond. They justified their opinion by the fact that the long-term 5 per cents were selling as low as $117\frac{1}{2}$, a quotation netting the investor about $3\frac{1}{4}$ per cent. They saw no reason why the public should be anxious to buy a short-term 3 per cent. bond, when a long-term bond could be had that would pay $3\frac{1}{4}$ per cent. The Secretary of the Treasury met some of the leading financiers of the country who held these rather unfriendly views. He answered their objections so completely that they became enthusiastic aids in making the floating of the loan a success. While it was a fact that the long-term bonds were at the moment selling on a basis that would pay more than 3 per cent. to the investor, those quotations, he said, could not fairly be taken as a market at which any considerable transactions might be made. He called attention to the value of the new security as a basis for national bank circulation, and showed that a market could eventually be found with the national banks for the whole amount it was proposed to issue as against the 5 per cent. bonds at the ruling quotation.

We are apt to say that business and sentiment are widely divorced, but there has seldom been a great business transaction in which sentiment played a part so important as in this bond issue. The Secretary appreciated fully the desirability of having the great financial interests favorably disposed toward the issue, and he enforced a plan which absolutely assured the success of the issue from the first moment the bonds were offered to the

public. He represented to some of the important financial interests the desirability of their showing a patriotic spirit, and absolutely guaranteeing the success of the loan as a matter of patriotism, and not of profit. The day the subscription opened there were two syndicate bids, each covering the entire issue, and each offering to take all or any part that should be unsubscribed by the public.

The subscription, therefore, started off under the most favorable conditions. To issue a \$200,000,000 war loan at the lowest rate of interest any nation ever disposed of its obligations in time of war is an achievement. That \$1,400,000,000 was subscribed to a \$200,000,000 loan is an exhibition of financial strength which cannot fail to add greatly to our prestige. Such a demonstration is a monument which marks a line of safety between the fears of the past and the hopes in regard to our credit in the future. If it had been possible to accept all the subscriptions aggregating \$1,400,000,000, and those subscriptions had been paid for in currency, it would have taken seven-ninths of all the money in circulation; it would have taken three times the entire amount of cash held in the thirty-six hundred national banks of the country.

Every subscription made by a syndicate, corporation, association, or firm, has been rejected, as under the law the subscriptions of individuals were to be given the preference over those of aggregated forms of wealth. The loan has been confined to the subscriptions of individuals in amounts of \$4,500 and less, the law requiring that the humbler investors should be favored by providing that allotments should first be made to those individuals who had subscribed for the smallest amounts. More than half of the loan, or more than \$100,000,000, has gone to 230,000 people, each of whom subscribed for \$500 or less. Fully 320,000 people applied for the bonds, or almost 100,000 more than the number of men enlisted for the war with Spain; and every successful bidder has been made a more valuable citizen.

The department has never before undertaken so great a task as this floating of a strictly popular loan. In issuing \$262,000,000 of bonds during the last administration of President Cleveland, the department had to deal with about 5,700 people. It has been quite a different thing to enter into relationship with 320,000 subscribers of the loan of 1898. More than 500 additional clerks were employed, most of whom are still at work. These were compensated out of the appropriation for the expense of the loan,

which was one-tenth of 1 per cent., or \$200,000, not a penny of which went as commissions. The expense of issuing \$1,300,000,000 of bonds during the refunding operations from 1871 to 1879, being one-half of 1 per cent., amounted to more than \$6,000,000.

The work could not be done in the Treasury Department proper, and a new government building, known as the new City Post-office, and not yet otherwise occupied, was used. Here a floor-space of more than an acre in extent was utilized. It was like organizing another executive department to equip the new force for the bond work. There are only a few more clerks employed in the Department of Agriculture, and the bond force is more than four times as large as that of the Department of Justice.

More than \$100,000,000 in cash was covered into the Treasury as the subscriptions were being made and before the delivery of bonds was begun. Altogether, over \$150,000,000 has now been paid in; and the balance is being gathered in as fast as the augmented machinery of the Treasury can collect it. These vast sums have been handled so carefully that rates in the money market have not been perceptibly influenced on account of the absorption of money into the National Treasury. There has been absolutely no degree of stringency or congestion.

Such illustrations as these give some indication of the success of this first experiment of ours with a really popular loan. It has been a phenomenal success. It exhibits the credit of the United States in the most favorable light in which it has ever been seen. It shows the investing strength of the people to be greater than the most optimistic would have supposed, and our gain in financial prestige must be regarded as one of the foremost achievements of the war.

There was a curious element of chance in the loan, such as had never been in a bond issue before. Congress provided that, "in allotting said bonds, the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted." No one, therefore, could tell just where the line would be drawn below which all individual subscriptions would be filled in full and above which no subscriptions would receive allotment. The Treasury could not ask full payment to accompany the subscriptions, because of the impossibility of saying whether an allotment would be made to a subscriber. The plan under which the previous bond issue was regulated, permitting bids to be made without any deposit of earnest money, was

rejected. It was decided, however, that by no chance could the *bona fide* subscriptions of \$500 and less absorb the total amount. All subscribers for \$500 and less were required to make payment in full, and the department promised that an allotment of bonds would be made of every such subscription. Those who subscribed for more than \$500 were required to deposit 2 per cent. thereof to insure the good faith of the application. The most sanguine friends of the popular loan hardly anticipated that the subscriptions for \$500 and less would reach an aggregate of over \$30,000,000 or \$40,000,000, and many good judges placed the limit well below those figures; but subscriptions of that class reached an aggregate of \$101,000,000.

It was evident, however, soon after the books of the loan were opened, that persons who wished blocks of the bonds were getting individuals to subscribe in their interests. Immediately every obstacle the Treasury Department could command was interposed in the way of such plans. Suspicious cases, involving more than \$40,000,000, were held up for investigation; and at this time about \$20,000,000 in subscriptions have been returned as not having been made in good faith. Investigations are still being conducted. The bank or person sending in subscriptions which bore the suspicion of being not in good faith was made to answer unequivocally whether or not the subscriptions were *bona fide* and solely in the interest of the person signing the subscription blank, and whether the bank or any person or interest other than the subscriber had an ulterior interest in the subscription. In many cases the department was forced to accept the statements made by the subscribers, although it used to good effect the machinery of the secret service in verifying the statements made. Undoubtedly, false statements were made, and blocks of bonds secured in a way not wholly within the spirit of the law; but it is a fact that the most strenuous efforts were used at every stage to prevent persons from receiving allotments contrary to law.

Before the books of the loan had been opened many days the public began to learn that the bonds which the government was disposing of at par were worth a premium in the market; and it is a fact that during the last two days the books were open the mails were heavier than on any days preceding. First, the bonds were quoted at 102, then 103, and finally as high as 105½. With standing offers of 3 and 4 per cent. premium, it was small wonder, then, that the last days of the subscription saw such phenomenal

receipts. Fifty thousand subscribers applied for bonds in these last two days. It was not growing patriotism on the part of the humble investor that so increased the mail: it was market quotations, showing a substantial premium for bonds that the government was offering at par.

From the point of view of a popular subscription the loan was in every way an astounding success. But it must not be forgotten that there were elements of speculation as well as patriotism; that there was a market showing an immediate profit for every person who could secure a bond. Notwithstanding the bonds were issued in a popular cause, they were issued at a time when money was easy and securities were high. They were issued at par, so there was no calculation to discourage the most inexperienced investor. Any man with \$20 knew that he could invest it and get a \$20 security back. There was no commission, no premium, no restrictions as to the character of the remittance. Subscribers were permitted to send their money in any form of currency of the United States, any character of bank check or draft, post-office money orders, and express money orders. Could there have been more perfect conditions for a successful popular loan?

There was a coincidence at the closing of the loan. The time set for receiving the last of the subscriptions was three o'clock on the afternoon of July 14, and it had been ruled that subscriptions must be at the department by that hour. Arrangements were made for a rapid special mail delivery to leave the post-office at the latest possible moment, in order to reach the department by three. As the Treasury wagon containing the last of the twenty-five thousand letters received that day started with a rush for the department, news came over the telephone wire that Santiago had fallen. The man who received the news mounted the desk; and at the moment the messenger ran in with the mail which closed the \$1,400,000,000 subscription to the war loan our victory in Cuba was announced, and the hundreds of clerks were cheering the announcement to the echo.

Large as the subscription was, it would have been vastly larger had not the knowledge that small subscriptions would first be filled prevented many large ones being made at all. It was evident, early in the course of the subscription, that subscribers bidding for amounts as large as \$50,000 or \$100,000 would get nothing; and a great number of bidders of that character were discouraged, and put in no bid at all.

The war revenue act was designed to add about \$150,000,000 a year to the internal revenue schedules. Some of the old schedules were modified, and new taxes also were added to the list. As to the old schedules, the principal change was in reference to the tax on beer, which was doubled; and from this source an additional \$30,000,000 a year is expected. It is expected that the increased tax on tobacco will add \$6,000,000 to the revenues. Of the new taxes, the most conspicuous is a tax of ten cents a pound on tea, which is expected to bring to the Treasury not less than \$10,000,000 annually. The measure is far-reaching, and the taxpayer's hands are laid upon almost every individual and every business. Bank paper of all kinds is subject to the adhesive stamp tax, and many old taxes on proprietary articles have been restored. Most commercial instruments are also reached by the stamp duties. It is estimated that the receipts from the stamp taxes will be in excess of \$92,000,000. It is yet too early to estimate accurately what the act will produce. There is much latitude of opinion. One Treasury official believes that the new taxes will not be much in excess of \$100,000,000; another is of the opinion that the estimate of \$150,000,000 will be exceeded. Possibly between these two extremes lies the correct figure. The difficulty results from an inability to determine whether or not the present sales of stamps are normal. It is believed by some that those who are required to make extensive use of the stamps are laying in large stocks, and for this reason it is feared that the operation of the law cannot be accurately gauged. Already some are beginning to worry about a surplus. The cash balance in the Treasury at the present time amounts to \$292,225,121.61. Within a few weeks another \$50,000,000 will be added on account of the proceeds of the war loan. It is probable that the end of the fiscal year will find the Treasury in possession of a comfortable working balance, but there is no occasion why that should be a cause for concern. From the Treasury standpoint it is better to worry over a surplus than it is to fret about a deficiency. While the war expenses may not continue so heavy until the end of the year, it is almost certain that they will add much to Treasury expenditures for some months to come. Over \$100,000,000 has been paid out on account of the war, and is represented by settled accounts.

One cannot give accurate information as to those which yet remain to be passed upon by the accounting officers for adjudication and settlement. It is safe to say, however, that the

\$361,000,000 appropriated on account of the war will be entirely adequate for the period available,— that is, to December 31 next,— perhaps more than adequate. But we have incurred wide responsibilities as the result of the war. The late Spanish dependencies, now passing into our possession, will, in course of time, it is hoped, become self-supporting ; but for a season at least our National Treasury must be drawn upon for the expense of establishing new and stable governments, and for regulating the affairs of the islands in accordance with American plans and ideas. We are going to have a larger regular army, perhaps 100,000 men ; and certain it is that no backward step can now be taken in reference to the new navy. There will be greater and greater need for the expenditure of money from the National Treasury, and it may therefore be somewhat premature to concern ourselves about the terrors of a surplus. At any rate, the experience of having one will be so novel that we may at least be permitted to retain it until we become used to it.

The war taxes are not obnoxious. In many respects the revenue measure provided sources of income which must meet with almost universal approval. The burden has been laid upon the shoulders that can easily bear it. No great amount of sympathy need be brought forth by the trifle which has been placed upon bank checks and drafts; on foreign bills of exchange and legal instruments. It is a tax bill that reaches for income where income can be best spared. It adds to the Treasury resources from the earnings of corporations, from the plenty of the well-to-do ; and its weight has nowhere proved a serious burden.

I do not know what results you may reach, measuring by scientific standards and reviewing from critical economic standpoints this period of war financiering ; but, from the practical ground of results accomplished, it seems to me the methods have been wholly admirable. In going to the people with the bonds, in providing perfect conditions for the popular subscription, Congress met the almost universal wish of citizens. It is true that it was done at some sacrifice of a possible premium ; but the wholesome effect of the plan, and the good results that must follow from so widely scattering a direct financial interest in the government, is not to be weighed in the same scales against that small loss.

Nor has the government appealed to the people as against recognized financial interests. There was not opposition, but co-operation, the broadest spirit of co-operation. In spite of the fact that no corporation, no bank, could have a subscription considered,

in spite of the fact that the modest investor had precedence over the rich ; that every man wishing to make a small investment was welcome and given bonds to the full amount of his subscription, while those asking for amounts even so small as \$5,000 received nothing,—in spite of these facts the great financial interests of the country were in the most hearty accord with the government. Every bank was a government agent, soliciting subscriptions and forwarding remittances, and doing that work absolutely without charge. Everywhere the Treasury met with a willingness to forego profits, everywhere with disinterested patriotic aid. Practically, the whole subscription was made through the banks. Remittances by postal note, from which so much was expected in some quarters, amounted only to \$731,000; remittances by express orders, to less than \$100,000. Of the \$200,000,000 of accepted subscriptions, remittances by bank paper and cash aggregated over \$199,000,000. These hundreds of thousands of checks and drafts have been collected without the loss of a cent, and without a penny's expense to the government.

On the other hand, the Treasury has been thoughtful of financial interests. It has drawn in the \$160,000,000 so far collected without embarrassment to the money centres. It has kept in touch with the outside situation by businesslike methods, and has made the Treasury operations proceed in harmony with financial currents. The financial emergency of the war has been met, and met without excessive burden to the citizens of the country and without disturbance to the currents of commerce.

DISCUSSION.

The discussion of Mr. Vanderlip's paper was opened by Professor Charles H. Hull, of Cornell University, who spoke as follows :—

It has been your privilege, as it has been mine, to hear a description of the very successful conduct of our recent war finances from the lips of a man who might well say, "All of this I saw, and a great part of it I was." In following him, therefore, I have no need to dilate upon the success which has attended the efforts of the Treasury during the present war. That has been very justly emphasized by the speaker, and it will be further emphasized to each one of you who shall contrast with it the financial management of other wars through which it has been our good fortune and our bad fortune to pass. The fundamental difference between the financial management of this war and that of the other

wars in which the United States has been concerned arises out of the differing relations of the war taxes to the war loans. In entering upon this war, we promptly imposed a war tax. In each previous case of war it was our persistent policy to depend primarily, and at the outset of the war to depend exclusively, upon the proceeds of loans for meeting war expenses. In the Revolution no other course was open to the government. The Articles of Confederation gave it no power to levy taxes. Therefore, it had to borrow. The policy failed so completely that the paper-money promises to pay issued by the Continental Congress are a slang synonyme for worthlessness to the present day,—“Not worth a continental.”

In the War of 1812 the same policy was pursued without the same necessity and with scarcely greater success. That war was declared on the eighteenth day of June, 1812; and, before any war taxes were laid in addition to the peace taxes already in operation, the government had borrowed something over thirty-six millions of dollars, or over five years' ordinary expenditure. The tax law was passed in the middle of the year 1813. Before it had begun to produce any revenue, some ten millions more had been borrowed. In other words, the Treasury borrowed seven years' ordinary expenditure before a cent was received from war taxes. After the revenue from the new taxes began to come in, an attempt was made to borrow some thirty-five millions more; but the government was able to place only some twenty-three millions of securities, though bonds which drew 6 and even 7 per cent. were offered as low as eighty-one in gold.

In 1860, at the outbreak of the most expensive war we have ever waged, it was our misfortune to be served, in the office of Secretary of the Treasury, by a man of many admirable qualities, but without experience in the particular work which the Secretary of the Treasury is expected to do. Mr. Chase, doubtless, knew many things. He did not know finance. His dependence was upon the plan that had already twice failed. In brief, he proposed to borrow \$240,000,000, and to raise \$80,000,000 by taxation. With the assistance of Mr. Seward, it was decided that the war could be carried through on those sums. Of the \$80,000,000 of tax revenue, the interest on the proposed debt would take, Secretary Chase said, about nine millions, which is less than 4 per cent. on the face of the debt. The sinking fund would demand about five millions more, making in all fourteen millions for the service of the loan. The peace establishment required \$65,800,000, leaving just \$200,000 per annum of war expenses to be met by taxation. The rest was to be met out of the proceeds of the bonds. By the middle of the next year the necessity of additional war taxes began to be seen; and the Internal Revenue Act of July 1, 1862, was passed. Largely as a result of Congressional inexperience with internal taxation, this act was so badly conceived and so hastily drawn that it produced relatively little additional revenue until after the amendments June 30, 1864. As

a result of this repetition on a large scale of our old fiscal experiment, the United States issued during the calendar year 1864 bonds, treasury notes, and other forms of securities aggregating \$754,000,000, and sold them at an average price of fifty-one cents for the dollar in gold, although none bore interest at less than 5, and some bore as high as 7 per cent. It is difficult to characterize with due severity a fiscal policy capable of producing such disastrous results.

The fiscal policy of the late war was a different one, for at the very outset tax revenue was provided to a considerable extent. Now, in comparing our policy in the late war, in which we seemed to have learned in part the costly lesson of our own experience, with the policy of the government in 1812 and 1861, we must recognize that there were greater political difficulties in the way of prompt taxation in 1812 and 1861 than in 1898. In those previous years the war about to be begun was unpopular with a section of the country, or with a party, or both. In this present year there has scarcely been a considerable contingent anywhere in the country with whom, on the whole, the war has not been popular. It was, therefore, possible to get a tax bill through Congress and to get taxes paid. We must recognize, however, that these fortunate possibilities are due not merely to the martial enthusiasm of the taxpayers, but also to a certain distrust of bond issues prevalent in various parts of the country, and not unknown among members of Congress. Much of the opposition to bonds arises, of course, from the recent Carlisle issues, partly because their circumstances were misunderstood, partly because their purpose was disapproved. But, putting all that aside, may we not find in the history of our Civil War alone an adequate explanation of the temper of the country on this subject? We have already seen that gold bonds were sold at a heavy discount, when taxes should have been levied instead. Moreover, the bonds were so drawn that, when the belated tax revenue did come in, much of it could not be applied to the extinction of the debt, and, when the bonds finally became payable, the money that might have served to pay them was already spent,—not to say squandered. Either as a result of these experiences or for some other reason, there was a considerable dislike for bonds in Congress. Something, however, had to be done to get money; and taxation was, of course, the other alternative. Whether, then, it be as a result of the lesson of experience or as a result of dislike for bonds *per se*, at any rate we find this war characterized, as compared with previous wars, by the important financial difference that in this war we had tax revenue in a considerable amount at the outset,—something we had not had before. The war has turned out to be short and relatively inexpensive. Consequently, we cannot be altogether certain how the peculiar financial plan provided, with its rigid limitation upon possible loans, would have worked had the war proved long and costly. But with such a war as we had, conducted upon a financial plan that has worked,

under the circumstances, in the manner just described by Mr. Vanderlip, it seems to me we have a right to congratulate ourselves.

If I may venture to ask your attention a little further to one or two of the matters spoken of in the paper, and to take them up more in detail, I would like, in view of some criticisms that have been made upon the recent "popular loan," to say a word about the meaning, as I understand it, of that expression. There seems to be a notion prevalent in some quarters of the country, and finding vent in some of the newspapers, that a loan is not a popular loan unless all the people who buy it keep it forever, or at least until the government deprives them of the bonds by paying them off. Now the great mass of small investors simply cannot afford to invest in a 3 per cent. government bond, exempt from a taxation though it is. That exemption is not the advantage in practice that it appears to be on paper. Consequently, it is absurd to suppose that 320,000 people will buy 3 per cent. bonds and hold them for ten or twenty years, until the government shall be able to pay them off. The man who buys the bonds for the purpose of selling them at a slight advance is making a perfectly legitimate business transaction, and his desire for the bond is a perfectly legitimate desire, which may be counted on in reckoning the success of the loan as a popular loan. The idea that a man wants a bond for no other reason than to keep it is an idea which is contradicted before our eyes every day, if we look at the number of bonds sold in the principal markets.

There is still one other matter, and that is in regard to the continuance of the war taxes. It appears, as the matter has turned out, that a large share of the expenses of the war, if not quite all of them, can be met out of the borrowed \$200,000,000. Only a comparatively small addition to previous taxes will be required for the future in order to meet both what apparently would have been our normal expenditure, had no war occurred, and also the additional expenditure required by the interest charged on the new bonds and an adequate provision for their eventual retirement. It seems, however, to be the general conviction that increased expenditure, arising from the administration of government in Hawaii and Porto Rico, and perhaps in Cuba or even the Philippines, will require the retention of some of the new war taxes even after the war is closed. So the question arises, which shall be retained? It has been remarked that the additional dollar per barrel upon beer, which may be expected to produce something like \$30,000,000, can well stay. The tax on tea is said by the commercial papers to be acceptable to the trade, and even to have affected in the quality of tea imported an improvement, disproportionate, perhaps, to the increase in its price. In that event the tea tax is a tax which can be retained. The tax upon checks, drafts, and bills of exchange, and the taxes upon deeds and mortgages, seem to me to stand upon a more questionable basis; but I will not take the time to discuss

them now. There is, however, one war tax not even mentioned by the speaker, from which I should expect a large revenue; and that is the inheritance tax. The act of June 13 imposes a tax upon the successor to personal property, when the personal estate of the decedent is more than \$10,000. The rate varies from three-fourths of 1 per cent. to 15 per cent. on the excess above \$10,000, according to the aggregate amount of the estate and remoteness in blood of the successor from the decedent.

Now there has been much discussion as to the desirability and the advisability of taxing inheritances at all, and especially as to the desirability of taxing them at so high a rate as 15 per cent. I certainly do not wish at present to raise any objection to that kind of taxation, or even to that rate. But I certainly do wish to raise an objection to the collection of that kind of taxes by the federal government. The inheritance tax was introduced in Pennsylvania in 1826. In 1885 this State followed Pennsylvania's example; and soon thereafter similar taxes were imposed in a number of other States, until now we have them in fourteen States. This is a tax that can be pretty efficiently collected. To be sure, our New York lawyers are exerting themselves, just now, to find ways of evading the inheritance tax in this State by the testamentary creation of contingent remainders and by like transparent devices. But the legislature will have no serious difficulty in dealing with that particular form of tax-dodging. The inheritance tax, then, is a workable tax. Furthermore, it is a productive tax. In England, where the rate never goes higher than 12 per cent. on estates, the "death duties" produce something over \$60,000,000. In France, where the rate varies from $1\frac{1}{4}$ to $11\frac{1}{4}$ per cent., the yield averages \$40,000,000. In the State of New York, which does not go, under any circumstances, beyond 5 per cent. upon collateral heirs, and takes only 1 per cent. when direct heirs are concerned, the inheritance tax, though levied solely upon personal property, has produced on an average during the past five years something over \$2,000,000 per annum.

According to the last census the personal property owned in the State of New York was one-tenth of the personal property in the country at large. On that basis the federal inheritance tax should produce more than \$20,000,000. Nevertheless, the inheritance tax ought not to be retained as a part of the federal tax system. Revenue from this source is needed by the States. The States and the federal government cannot both collect it. If the federal government persists in collecting an inheritance tax, the States will be obliged to recede from it. Now the most promising path toward tax reform in our cities lies through the separation of local and State revenue. By apportioning certain sources of taxation to the State and certain other sources, reached by different means of collection, to the local government for local expenses, the more serious of the existing complications may be done away with. Upon this path the State of New York has made con-

siderable progress during the last twelve years. We have introduced a comprehensive system of corporation taxes, and assigned their yield to the State treasury. We have begun the taxation of inheritances for State purposes. The Raines liquor law is adding a handsome amount to the State's revenues. These are steps in the right direction; and, if only we could also get rid of the excessive expenditure now occasioned by several of the State "commissions" whose most obvious purpose is to make places for persons politically useful, it would not be long before the general property tax could be handed over to the cities and the villages for their exclusive use. Even without a substantial reduction of State expenditures, it may be possible to cover them all by other State taxes than the general property tax.

But this desirable reform of State finances depends in New York, and probably in other States also, upon State control of the inheritance tax. If it comes to be a question, therefore, of repealing some of the federal war taxes, there is no one of them, I think, which should go from the statute book before the federal inheritance tax. The national government should not so use its superior constitutional position as to embarrass State finances.

I do not wish to take up too much of your time, but beg to speak of one more point in connection with Mr. Vanderlip's paper. Although it is a paper on war finance, it is largely devoted to a description of taxes that would not be out of place in a rational system of peace finance. Indeed, I cannot resist the impression that, while these taxes are in form war taxes, the war exigency has in fact afforded an excellent cover for introducing into our federal system certain taxes which we need for peace purposes. We need the new taxes for several reasons. Greater diversification of our sources of revenue can be made to produce a closer approximation to justice in the distribution of the burden of taxation. Our federal taxation has long rested almost wholly upon consumption. It is time that personal property, and especially in the form of money, which is always hard to get at, should be made to contribute at least some part of its just share. The stamp taxes upon checks and commercial paper and upon sales of securities are an improvement in this respect. We need new taxes, too, to get more money. Our novel relations, actual and prospective, to islands in the Pacific, may increase our commerce; but it will be an increase of such a character that we can no longer expect to get an adequate revenue from customs duties whose primary purpose is protection. I do not desire to go into the question whether the Dingley tariff did or could produce sufficient revenue. I am glad to believe that, as Mr. Vanderlip thinks, it would eventually have done so, had not the war intervened. But, under the new conditions that seem likely to result from the war, no tariff primarily protective can be expected to produce revenue sufficient for the future. Doubtless the present unprecedented trade balance in our favor is largely due to the happy accident of large crops. But it is not solely due

to sun and rain. Our exports of manufactures are steadily creeping upward, while our imports of manufactures are steadily falling off. This may have taken place as a result of the policy of protection or it may have taken place in spite of that policy. In either case the fiscal lesson is the same: we need new taxes to furnish the revenue which protective duties can no longer afford. Those who believe, further, that high import duties upon raw materials, like sugar and wool, are a check upon our domestic industry, will be glad to see at least a portion of the burden transferred to some other shoulders. Thus we see that our recent war finance has not been war finance alone: it has been also, when we recognize the fact, a needed bit of peace finance.

Mr. SANBORN.—I presume Mr. Vanderlip is informed, and I should like to know upon what authority, what recognized existing authority, the war tax bill was framed? and whose estimate of probabilities, whose knowledge of past experience, was relied upon?

Mr. VANDERLIP.—It was framed with very few estimates from the departments. It was framed quite unlike the appropriations which are framed specifically on estimates from the Treasury Department and other departments, coming up to Congress, through the Treasury. There was no such action in this case. As matter of fact, there was very little consultation between the people who framed the bill and the Treasury authorities. The War Department was not able to make any very close estimate at the time the bill was under consideration. The Navy Department was able to make a fair estimate perhaps of what its needs would be. The internal revenue taxes, however, were framed very largely by Mr. Dingley and his associates in the House.

Prof. RUSSELL.—I wish to add one observation in regard to abolishing the inheritance tax at the earliest possible date. The federal tax may amount to 15 per cent., the State tax may amount to 5 per cent. One good estate may thus be subjected to 20 per cent. of taxation; but the same corpus of an inheritance may possibly be taxed twice in a year, and perhaps three times in a year. The Kaeser estate was devolved twice in a year, and other estates have been devolved three times in a year. If a man in Saratoga worth \$100,000 should die, and the estate should thus be devolved three times, it is possible under this system for 60 per cent. of the whole corpus of the estate to be taken by public authority for public interest.

Dr. SMITH.—Those of us who are old enough to remember the state of affairs at the time Mr. Chase was Secretary of the Treasury feel that some modification of Mr. Hull's statement may be justified, because it was not possible then to procure money, because the world at large did not believe in the perpetuity of this government, and more than half of our own people were doubtful about it. When General Dix, Secretary of the Treasury for a short time, needed money for the government, he wished a small loan from the New York bankers. I have forgotten what the amount then was; but we had actually to pay 12 per cent. for money at the outbreak of the war, so doubtful were our own people and the financiers of this country as to the future of the Union. We were in a state of disintegration. Everybody who had money put it in his pocket, and buttoned up that pocket. Under those circumstances it seems to me that the financiering was successful, and at all events enabled us to get fairly on our feet.

Mr. SANBORN.—I am glad to hear Dr. Smith make this statement. It had occurred to me, and I believe every person present who remembers that period will think, that the criticisms on Secretary Chase, while not intended to be unjust, were practically unjust. I have yet to learn that any Secretary of the Treasury within my recollection has had to encounter greater difficulties, or has, on the whole, met them more successfully than did Secretary Chase. He had to encounter difficulties in his own nature as well as in the circumstances of the country; he was essentially a lawyer without any particular knowledge of finance, and he had that superstition which is apt to attach to the legal profession as to the limits of constitutional power. And, although it is probably familiar to some people, I think I will tell the story of Colonel Taylor, Secretary Chase, and President Lincoln. Colonel Taylor, an Illinois man, a friend of President Lincoln, and somewhat acquainted with finance, came to Washington during these early difficulties of the Treasury, when the bankers of New York had made it a great act of patriotism that they would loan money to their own government at 7 $\frac{3}{8}$ per cent., and Taylor suggested a plan of raising money by loan and certain conditions of interest which seemed to him feasible. He explained them to the President; Mr. Lincoln seemed to think well of them; and said, "Colonel Taylor, won't you go and see the Secretary of the Treasury, and explain this matter to him?" So Colonel Taylor went to see Secretary Chase, and came back somewhat crestfallen to the White House. Mr. Lincoln said, "What did the Secretary say to you?" "Well," said Colonel Taylor, "he said there was only one objection to my plan, and that was it was perfectly unconstitutional, contrary to the Constitution of the United States." Mr. Lincoln replied, "Colonel Taylor, go back to the Secretary of the Treasury, and say to him that I have the Constitution of the United States here in the White House; and I am guarding that sacred instrument with the utmost care." The measure was afterward adopted.

Hon. ST. CLAIR McKELWAY.—I wish to recall a New Yorker, the name of a statesman, who, from the view-point I take, was never for one instant wrong in his estimate of the financial situation during the war between the States. The name of that statesman was Horatio Seymour, his function that of Governor of the State of New York, his position that all the obligations of the State ought to be paid in gold, and gold only. He stood almost alone among our public men in his commonwealth in support of that proposition. He was able to effect that proposition at a time of peril to its permanency because he had the power of two-thirds of the legislature in the possession of the veto function of the State executive. However our friends in other States may be divided or may have been divided at the time and for a long while afterward upon the ethics or the legality of that position, the State of New York from the time that Governor Seymour effected that stand up to within two years was a State of hard money, was a gold-standard State. One party was not more a gold-standard party than the other. Each raced for public approval under the flag of the gold standard. The fact can be asserted with truth that from 1824 to 1896 that was the case with all parties here. And, sir, I take it that seventy-two years of a decorous and upright life are more significant of conduct and character and more hopeful of the future than the single debauch of 1896.

I wish to make one remark about the inheritance tax. I never expect it to become an object of solicitude to myself or my posterity, but I do recall a

decision of the Supreme Court of the United States in a case that originated in the county of Suffolk in this State. Involved in that case was the proposition whether the government could constitutionally tax an inheritance, and the proposition whether an excessive inheritance tax could properly be laid. The United States Supreme Court laid down the principle that a man's ability legally, affirmatively, or constructively, to control the disposition of his property by will was purely a legislative concession: it was not a natural right; it was not a constitutional right. The statement was made that, the making of a will is an act of personal legislation taking effect upon property possessed at the time by the testator, and that the legislature could not only recall that permission, but could allow the people to resume possession of that which had been intrusted to the man up to the time of his death, and that they could resume possession of it either by the repeal of the will-making power or by the placing of a tax as high as 100 per cent. upon it, rendering the making of wills as impossible as the 10 per cent. taxation makes circulation to State banks impossible, and to banks other than national banks. Now, if this is so, I do trust that among the first provisions to be repealed will be the repeal of the federal inheritance tax. The State inheritance tax should be sufficient. Certainly, double taxation is wrong; and the State tax and the federal tax, if not double in form, are either dual taxation or taxation twice over. I leave that to the lawyers. I can only say that, should an inheritance tax be paid at Albany and one also be paid the United States government, the thing taxed would be *twice* taxed.

In the course of a long life, Mr. President, I have observed the mighty power which this tariff question plays in our politics; and I am glad that one result of this war is this,—that none of us can be hide-bound protectionists or hide-bound free traders. In the near future the question of tariff and taxation must be questions of condition: it can no longer be a question of theories. I also hope that some of these internal taxes will be retained, not merely for the purpose of simplifying the matter of insuring enough revenue, but for the purpose of relieving, if possible, the agitation which occurs every four years,—a new making and a new unmaking of our financial system. I believe in the possibilities of man. There are patriotic men, men who believe in principle, men who believe in the union of views, who believe in preserving in the name of civilization all that we have gained in the name of humanity. I believe in the possibility of those men coming together and agreeing upon our tax system in a manner to make it as just as truth, as intelligible as fair dealing, and as exact as book-keeping.

III. DEPARTMENT OF JURISPRUDENCE.

I. ABSTRACT OF ADDRESS BY THE CHAIRMAN.

[In his opening address on Thursday morning, Professor Francis Wayland, Chairman of the Jurisprudence Department, called attention to the great and growing numbers of unpunished murders in the United States as compared with the criminal statistics of Great Britain and her colonies. He mentioned, among the more serious defects in our criminal jurisprudence in dealing with homicide, the needless delay in reaching trial, the inexcusable prolongation of trials, the facilities afforded by the right of appeal to State courts and to the Supreme Court of the United States for defeating the ends of justice, the gross abuse of the pardoning power, and the vicious and demoralizing exhibitions of public sympathy with convicted murderers.

By contrast, Professor Wayland commended the prompt, dignified, thorough, and impartial treatment of prisoners arraigned before the criminal tribunals of Great Britain, the certainty and celerity of punishment following conviction, the absence of all demonstrations of maudlin sympathy with the prisoner, and the impossibility by appeal to successive courts of postponing punishment until the true moral effect of conviction is hopelessly lost.

These views were enforced by reference to some recent trials for murder in the United States,—notably, the Durant case in California, and the Carlisle case in New York. His statements as to the administration and enforcement of criminal law in Great Britain were fortified by statistics kindly furnished by the Home Office in London.]

2. CAN INTERNATIONAL DISPUTES BE JUDICIALLY DETERMINED?

BY PROFESSOR ISAAC FRANKLIN RUSSELL, D.C.L., LL.D., OF NEW
YORK CITY.

[Read Thursday morning, September 1.]

The war with Spain cost us over a million dollars per day. At the outbreak of hostilities we were unprepared in many respects for a sharp military and naval struggle with even a second-class power. We have been a peaceful nation. Our diplomatic isolation from European countries, and the cherished counsel of the immortal Washington in his Farewell Address to keep free from foreign entanglements, have controlled our foreign policy. Our statesmen have been sound on the Monroe Doctrine. But we have not escaped wars altogether. And how marvellously have human destinies been shaped by these death-struggles! The French and Indian War settled the language, religion, and institutions of this continent, and made them English instead of French. Our Revolutionary War taught England the necessity of a wise colonial policy, and guided her in building up an empire, under all suns and in all seas, based on righteousness, liberty, and law. The Algerine War was without special incident. The War of 1812, while it resulted in sweeping the American flag from the ocean, proved that, man for man and frigate for frigate, the American navy had no superior in the world. The Mexican War was fought to secure more area for slave-cultivation through conquest, and for the perpetuation of that economic system through the admission into the Union of new States committed to the policy of slave-labor. The annexation of Texas hurried on the irrepressible conflict. The War for the Union proved the necessity of a continental empire and a policy thoroughly national; and, incidentally, it wrought a revolution in the naval warfare of the world.

No investments of money have been more popular than those that have been made in war. No heroes have gotten such glory as the soldiers and sailors of the Republic. Every President of the

United States has been either a soldier or a lawyer, and many have been both soldiers and lawyers. In several cases the Presidency has sought the soldier as a reward for his services and a tribute to his genius. This is certainly true of Washington, Jackson, Taylor, the elder Harrison, and Grant. Nothing appeals so strongly to popular sentiment as martial glory. There can be no more eloquent advocacy of a candidate for office than to say of him, "Here is a friend of Abraham Lincoln: here is a companion in arms of Grant, Sheridan, and William McKinley." Military titles are coveted, not only in Kentucky, where every man of wealth and importance is at least a colonel, but also in New York, where appointments of civilians on the governor's staff are sought on account of the spurs and epaulettes which illustrate the high rank of these fierce warriors.

In Europe the truth is more easily understood. The Kaiser is a war-lord. The Prince of Wales is a field-marshal, and, as such, subject to military criticism and discipline for indiscretion at a game of cards. A soldier, booted and spurred, meets the princess royal at the marriage altar, and there receives his wife from the Queen's own hand. No man of letters, till the time of Tennyson, ever got a peerage in recognition of the service of authorship. No physician till the Queen's Diamond Jubilee was ever honored by ennobled blood. How are monumental honors awarded in Westminster Abbey and St. Paul's Cathedral? Where are the statues of Shakspeare, Arkwright, and Jenner? And in what town in England can we escape the high mounds, the towering shafts, and spacious squares that perpetuate the glories of Waterloo and Trafalgar?

And now come a few publicists, priests, and philosophers, who tell us that war should be no more, that war is wholly evil and not a necessary evil, that the arbitrament of reason should take the place of an appeal to arms, and that a forum of all the nations should settle all disputes between states. Many orators and essayists have exhibited the frightful cost of war in blood and treasure, in widowhood and orphanage, in desolate homes, broken hearts, and shattered lives. The figures they display in units of millions are astounding, and simply unappreciable by the ordinary mind. They stagger the imagination even. It costs as much to build and equip a battle-ship as it does to found and maintain a university.

The question is many-sided. Economically, we have to count

not only the cost of building and fitting out fleets, of maintaining armies and purchasing food and ammunition, but we must contemplate the waste of energy in withdrawing thousands of able-bodied men from productive industry. The religious and ethical aspects of militancy are more frequently presented. It is considered quite unchristian by some to kill one's fellow-man. War is murder, war is hell. It is unphilosophic and irrational as well, for no truth is demonstrated by the presence of the heaviest artillery.

But is there not an optimistic view of war which we are compelled at times to take and always to consider? Industrialism has been evolved from militancy. The main bulwark of manufacture and commerce is the security to life and property which the army and navy afford. If the military and naval establishments are expensive, they pay for themselves many times over in a low rate of interest to the borrower. Has not empire been founded by the sword, and is it not empire which gives man peace? Who would exchange the equilibrium of great states resting on the European concert for the chronic strife of mediæval feudalism?

There must surely be some reason, deep-seated in human nature, for the glory that accompanies feats of arms. May we not find it in great part in the contempt for physical pain, for death even, that marks the hero? In these politer times there are moral heroes who bravely face the mouth of imaginary cannon, and who fight at close range with the spiritual forces which make for evil, but who are cowards in the presence of physical pain, and who cry piteously for gas or some other anæsthetic whenever they feel the sting of the surgeon's steel. Our condemnation is severe for the contests and gladiatorial strife of the Roman amphitheatre. We are unsparing in our denunciation of the bull-fights of Spain and Mexico. And yet it remains true of our own country, in times of peace, that professional prize-fighters attract more notice than any other class of men who appeal to public attention, unless it be the college champions who strive for victory at the oar or on the diamond or the gridiron. Why is it that boys in preparatory schools can name the famous athletes of our great universities, and know nothing of the professors who fill the chairs of Latin, Greek, and mathematics? Why is it that football has come into such commanding notice at our chief seats of learning? Many urge that prize-fighting is child's play as compared with

football. Certainly, in the latter more are "knocked out" under the rule that a fallen contestant must rise in ten seconds. Why are the greatest prizes of university life — those awarded not by the trustees or the faculty as a tribute to learning, but by the students themselves in recognition of good fellowship and well-rounded manhood — given so largely to athletes? May we not safely say that it is contempt for physical pain and the summoning of every faculty in one desperate effort for supremacy that wins our plaudits? Are not these now just as they have ever been, and are they not likely to survive and dominate in future generations?

There is danger in the evanescence of heroism. Peace may be dishonorable, selfish, luxurious, and sordid. The decay of national honor may be by process of slow rot, and thus escape the observation of the thoughtless; but ultimate ruin is sure, if not swift. History is not silent on this point, but is vocal with instruction and warning of the peril that lurks in a purely mercantile policy,— a policy that asks regarding a war, not "Is it right?" but "Will it pay?"

There are no fetters more galling than those forged by the money power. There is no humiliation more pitiable than that of the subservient tool of a conscienceless plutocrat. An English king may be subsidized by Louis XIV. to eliminate him as an element in the foreign policy of Europe; a poet laureate for a pension may sing the virtues of a royal profligate; a famous philosopher and man of letters may become the hireling of a prince or minister, and advocate political measures not for their statesmanship, but for the pounds, shillings, and pence that reward his disgraceful service; a college president may have his tenure of office qualified by a censorship of his political and economic opinions. These are all contemptible. So are they who, under the cover of anonymity, write for a venal and blackmailing press, or, bolder far, ascend the platform or pulpit, and defend the rogues with whose dollars they fill their pockets. What respect does a man command who says, "These are my opinions; and, if they do not suit, they can be changed"? What sadder sight than to behold genius enslaved, energy paralyzed, eloquence hushed, song silenced, and art corrupted,—all through the virus of the money power? But what can measure our contempt for those who would extend this system of venality to our national government and its foreign relations? Men who would scorn, in their

individual business affairs to compound a felony, are heard to advocate our accepting a subsidy to pension the dependent families of American citizens and sailors who have been ruthlessly murdered. What is American citizenship, and what its privileges and immunities, and by whom are these guaranteed? Are we ever to wage war? If not, then why build cruisers and battle-ships?

The loftiest ethical philosophy underlies the constitutional safeguards of life, liberty, and the pursuit of happiness. The noblest morality is reflected in the legal rule that justice is priceless and inalienable. Shall we now, in scorn of our birthright, and reckless of the blood and treasure which our fathers sacrificed to secure it, sell ourselves into slavery to Mammon? Are there not greater calamities than the decline of securities in Wall Street?

But what of law and reason? Do they not suffice to compose the quarrels of private citizens? And may not sovereign governments reasonably hope to find in a supreme court of international judicature a high tribunal of justice, whose jurisdiction shall be ample enough to comprehend all the disputes that may arise between the various nations of the earth?

Legal remedies, as often conceived, involve the co-operation of lawyers and witnesses with judges and jurors, and the subsequent intervention of the executive arm of the state in a writ of execution or other mandate enforced by the sheriff. Thus "due process of law" and the "law of the land" are terms suggestive of the regular stages in the slow and orderly proceedings of courts of justice. Blackstone in his Commentaries makes a distinction between remedies by act of the parties and remedies by operation of law,—a distinction which has been attacked by some jurists as unphilosophical. The summary redress of grievances by act of the injured party is well recognized in our law, both civil and criminal, as,—for example, in the case of abatement of certain nuisances, recaption, and entry on lands, and in the doctrine of self-defence. The nocturnal burglar and the highwayman, if killed by a citizen while resisting an attempt on their part to commit felony on his person, or on his wife or child, or even in his presence, die under the law of the land as truly as if executed by the public hangman. Courts-martial, with power to inflict the death penalty summarily, are indispensable to the efficient employment of military and naval forces. In all these cases the supervening of the law's traditional delays would be the very climax of absurdity. Violence, instant and overwhelming, can alone establish justice.

The field of arbitration is necessarily limited. There are many issues that cannot be arbitrated nor even discussed if honor is to be maintained. This is true alike in the realm of public and of private law. A citizen may do well to arbitrate with his banker or with a tradesman any question involving an account, the possession of vouchers, the accuracy of computation, or the delivery of goods. Sovereign states, disputing with one another, may well submit to arbitrament questions of customs-duties or of delimitation of territory. But what man would refer to arbitrators a personal assault upon a member of his family? What nation would argue in court the cause of a rebellion by insurgents against its sovereign authority?

Compulsory arbitration is irreconcilable with the liberty of the individual and the sovereignty of the state. The fallacy inherent in such schemes is apparent in the legislation of some of our Western States regarding strikes by laborers for higher wages. A man has a clear right to sell his labor in any market for whatever price he is willing to take for it. He also has a right to relinquish any uncongenial employment at will. Legislation under which a public officer drives back a laborer to the post of toil which he has voluntarily abandoned is equivalent to the re-establishment of slavery. Similarly, in the family of coequal sovereignties, no member can be forced to submit a controversy to a forum of argument rather than rest its decision on the issue of arms.

The organization of an international tribunal is peculiarly difficult on account of the great inequality subsisting between the different nations of the earth. Of course, we are familiar with the academic maxims that all men are created free and equal, and that all sovereign states are free, independent, and equal. But these are fictions of the law. Equality here means simply equality before the law, equality in the eye of the court. Nature, however, abhors equality, and nowhere more than in distributing the power and influence of sovereign states. To be practical, let us ask, "How many judges shall the proposed international tribunal have?" and, further, "Will England, France, Germany, Russia, and Austria be content each with one judge, and cheerfully concede an equal voice in the court's decision to Portugal, Greece, Denmark, Holland, and Belgium?" The dogma of equality before the law does not mean that the poor man, ignorant and vicious, is equal, on a trial before a judge and jury, to his neighbor, who is wealthy, intelligent, and highly respected. Nor can one nation,

bankrupt, corrupt, and reactionary, hope to prevail against a competitor that is vigorous, healthy, and progressive. The equality of states is a dogma of theorists.

All the proposed plans for achieving perpetual peace through the establishment of standing tribunals of unlimited competence are failures practically. The chief difficulty is not in reaching a decision, but in enforcing judgment. Ultimately, a defaulting and recalcitrant state can be coerced only by war, which it is the professed object of such a tribunal to avoid. But the world will arm to compel obedience, we are told. The answer is that this is a poor step towards perpetual peace. Sanctions of international authority consisting of differential rates of duties on imports by which disobedience is to be punished can be dismissed as visionary and Utopian.

Finally, few men could be intrusted with the really divine function of sitting in judgment and then condemning *seriatim* the proudest and most powerful sovereigns in the world. There could be no adequate sense of responsibility. Intolerable arrogance, to use a phrase of Lord Chief Justice Russell at Saratoga two years ago, would soon characterize the members of such a court. They would be as gods. Power so vast cannot be sufficiently safeguarded.

International law, as a practical guide in the affairs of nations, has many defects. We may here notice two; namely, its lack of an authoritative exponent and the fact that it has no sufficient sanction. These are necessarily broad statements. Any two nations can of course agree in writing touching a definite subject-matter, and define their mutual obligations in unmistakable terms. So the municipal law of any sovereign body may enforce by the usual remedies an obligation existing under international law. But, in general, we may say with John Austin and his school of jurists that international law, so called, is not law at all, but only international morality. This is not to be taken as a disparaging characterization; for there is probably no one who does not recognize his amenability to what we may call the higher law, or principles of right conduct which are not within the code to which the state compels obedience.

Litigating citizens find in the paramount authority of the state the sanctioning power which enforces the judgments of courts. But a supreme tribunal of nations can have no executive arm by which to vindicate its authority and chastise disobedience. Some

find in the personality of the state and its sense of obligation to the dictates of the universal conscience a sufficient sanction resting on national self-respect. But study and reflection force us to the conclusion that the conscience of incorporated human nature, to use Mr. Spencer's phrase, is appreciably lower than that of the average constituent individual. Do great statesmen and diplomats, in whose keeping is the peace of nations, exhibit more patience and self-restraint than private individuals do under similar circumstances? A senator, who would scorn to do an unworthy act for his sole private benefit, will not hesitate to divide with the majority of the chamber the odium justly attaching to an infamous log-rolling job. The public is a *quasi*-corporation, and as such has no soul to be damned. The state's lack of complete personality with fine and delicate sentiment makes it the victim of the tax-dodger, who is often a model of private virtue, but who does not scruple to commit perjury, when necessary, if only the exaction of the revenue officer can be evaded. Nations, whose diplomacy is characterized by the extravagance of chivalry when dealing with equals or superiors, are seen to bluster and brag and play the bully when treating with weak and bankrupt states. Insincerity, jealousy, envy, arrogance, servility, and almost every low quality of mind and heart, distinguish the conduct of organized governments. It is vain, then, to look for a sufficient sanction of international law in the self-respect of individual states.

History shows how great is the field of arbitration in spite of necessary limitations. How long and how often has the possession of the Rhineland been disputed by nations in arms! And yet how simple it often is to delimit territory by peaceful means! Every part of our northern boundary has been in dispute between England and the United States, and yet peaceful negotiation and calm discussion have kept these great nations from war. The treaty of Washington in 1871 made an epoch in the history of the law of nations by submitting to arbitration all matters in dispute between England and the United States. History, traditions, aspirations, they had in common, together with language, law, and faith, presenting a unique opportunity, which, happily, was made available to advance the cause of humanity and civilization by action so momentous as to arrest and hold the attention of the world.

Can another step forward be now taken by these great Anglo-Saxon states? Can we provide by treaty, in advance of any international difference, the machinery for its peaceful settlement, not

by the clash of arms, but by the arbitrament of reason? Such a step should be encouraged as a step in the right direction. If the treaty thus proposed is a perfect work, and needs no amendment or supplementary attention, then, indeed, it will differ from all the other works of man, which are full of mistakes. We have doubtless much to learn from the experiences which are soon to follow; and the future will have problems of its own, as we have ours now. Other nations may scorn our counsel, and ridicule our propositions as Utopian; but cannot America and England now give an object-lesson to the world of Anglo-Saxon states, finding in reason a better means than war as a solvent of international problems? For they have learned much, not only from the platitudes of philosophers and in the stress of revolution, but through the slow unfolding of true civilization during several generations in the history of the English-speaking race.

3. AMERICAN MARRIAGES AND DIVORCES BEFORE CANADIAN TRIBUNALS.

BY EUGENE LAFLEUR, ESQ., OF THE MONTREAL BAR.

[Read Thursday morning, September 1.]

The intercourse between nations and their proximity to one another must inevitably give rise to conflicts of interests. Some of the controversies resulting therefrom are of a national character, involving the claims which one State may have against another State, and which are settled either by force of arms or by friendly arbitrament. You have at the present moment instances of both of these methods of dealing with international disputes in the war which has so recently come to an end and in the peaceful conference which is just beginning its sittings in Quebec. But side by side with these larger questions of public interest there are numerous and important private controversies resulting from the neighborhood and intercourse of nations. The rights and obligations of individual citizens of adjacent States cannot but be affected by the differences between the laws and institutions of these States. Fortunately, the adjustment of these private controversies is invariably effected by peaceable means. It is the courts of the country where the dispute arises which determine the question at issue; and, in so doing, they apply a body of rules which are generally known as Private International Law in contradistinction to the rules of Public International Law, which regulate controversies between nation and nation. The scope of Private International Law is, of course, coextensive with the whole *corpus juris*; that is to say, there may be conflicts between the laws of different countries on some portion at least of every branch of the civil law. I purpose, in response to the invitation with which you have honored me, to examine very briefly indeed a few of the most striking examples of the application of these rules by the tribunals of Canada to an important branch of the civil law,—marriage and divorce,—in so far as the decisions of Canadian courts illustrate the conflicts between your laws and ours upon this subject. You

will readily understand what opportunities for legal complications are afforded by the fact that each one of the States of your Union has legislative powers of its own as to marriage and divorce. The marriage knot is tied in different ways, and untied for different reasons, and with varying degrees of celerity and completeness. Then the effects of marriage on the person and property of the consorts also differ in many respects. The law of most of your States on the subject is of course derived from the common law of England, but supervening legislation has profoundly modified the rôles of the consorts in the conjugal union. The popular statement of the old common law doctrine that "in law a husband and wife are one person, and the husband is that person," would be very far from representing the actual condition of the law in any of your States ; but the emancipation of the wife from the power of her husband is more or less complete in different States. Again, in Louisiana, you will find the matrimonial status to be principally based on the old law of France, while here and there the Spanish law has also left its mark. Turning now to the Dominion of Canada, we are presented with a somewhat similar condition of things ; for, although by our constitution the subject of marriage and divorce (excepting the celebration of the marriage) is assigned to the exclusive legislative jurisdiction of the Dominion Parliament, that body has up to the present time passed no legislation on the subject, with the exception of a deceased wife's sister's bill, so that each province retains, in all other respects, its own law as it existed at the time of Confederation, and also possesses exclusive legislative powers as to the form of celebrating marriages. In the Province of Quebec we find the old French law almost intact as it existed at the time of the cession of Canada to Great Britain ; and, unless expressly excluded by marriage covenants, community of property will result from the union, and the husband will, as the head of the community, exercise very wide powers of disposal over such property. Again, by that law, the wife is still under a kind of tutelage, requiring the authority of her husband (or of the court on his refusal) in order to dispose of her own private property. In the other provinces of Canada the substratum of the matrimonial law is English, and has likewise been modified by legislation in the same direction as your law, but not everywhere to the same extent.

In regard to divorce the condition of the law in the Dominion of Canada is somewhat anomalous. The Federal Parliament has not

yet exercised its undoubted power of legislation upon the subject; and, consequently, each province remains in the position in which it was at the time of the passing of the British North America Act in 1867. In Ontario, Quebec, Manitoba, and the North-west Territories no divorce courts exist; and divorces are obtainable only by special private acts of the Parliament of Canada. In Nova Scotia, New Brunswick, and Prince Edward Island the statutes which were in force at the time of the Union, and which have never been repealed, conferred upon certain special courts the power of pronouncing decrees of divorce; while in British Columbia similar powers have been assumed under an ordinance passed by the legislature of that province in 1867, but grave doubts have been expressed as to the validity of decrees pronounced by the courts under that authority.

In view of this great diversity of legislation in your various States, and in our several provinces, and of the constant and ever-increasing intercourse between the two countries, it is not surprising that complications should be frequent and often embarrassing.

Before entering into a brief examination of the leading cases which illustrate these difficulties, let me remind you of the guiding principles which are followed by our tribunals in determining controversies of this kind. The fundamental principle of Private International Law, as understood in Canada, is that Canadian courts will recognize and enforce rights duly acquired under the law of a foreign country. In other words, the science is based upon the extra-territorial recognition of rights. I need not dwell upon the necessity and justice of this cardinal rule. When a marriage has been contracted in one of your States between persons domiciled there, it would obviously be unfair in the highest degree to test the validity of such marriage, or the incidental effects thereof upon the person or the property of the consorts, by reference to the law of any one of our provinces in which the controversy might accidentally arise. For instance, if litigation should take place in Quebec involving the proprietary rights of consorts married and domiciled in New York, it would be manifestly unjust to regard their marriage as the legal equivalent of a Quebec marriage, carrying with it community of property and the control of the husband over the wife's share. Accordingly, in such cases, our courts will invariably apply the foreign law under which the legal relation arose, and enforce the rights acquired and the obligations contracted under that system. And this recognition by our courts is

entirely unaffected by the question as to whether your courts would under similar circumstances recognize the applicability of our law. It is not based on any supposed comity between the two nations, but is accorded as a matter of right, upon the theory that justice could not otherwise be done to the parties.

There is, however, a well-recognized exception to this general rule. Our courts will not recognize or enforce a foreign law or custom, when it conflicts with our public policy. We shall have occasion to discuss the application of this exception in regard to both marriage and divorce.

With these preliminary observations, let me now invite your attention to some of the cases which illustrate the application of the general rules I have endeavored to explain.

The first question which naturally presents itself in regard to marriages celebrated in a foreign country is as to their formal validity. Many forms prevail in the various States of your Union and in the provinces of our Dominion. In some places the marriage may be celebrated by a justice of the peace, a registrar, or a judge, in others the ceremony can only take place before a priest or other minister of religion. Again, in some districts, the intervention of a civil or religious functionary does not appear to be indispensable to the constitution of a valid marriage; and in the less civilized portions of your country, as well as of our Dominion, the uncereemonious unions between white men and savage women would seem to require nothing more than the propitiation of the bride's parents with presents of money or merchandise.

The rule which is almost universally adopted, and which is followed by our courts, is that, if the marriage is valid by the law of the place of celebration, it is valid everywhere, and that, if it does not comply with the requirements of the local form, it is not valid.

The first part of the rule is illustrated by the *Languedoc* case,* decided by the Court of Appeal of Lower Canada (now the Province of Quebec) in 1858. The consorts were both domiciled in Lower Canada, and the bride was a minor. Without consulting her guardian, the young lady ran away with her intended; and the pair went to Champlain, N.Y., where they were united in marriage before a justice of the peace. They subsequently returned to their domicile, and about a month later were again united in marriage, but this time by the priest of their parish. In the litigation which arose the question to be decided was as to which of these

* 8 Lower Canada Reports, 257.

two marriages should prevail ; and the importance of deciding this question arose from the fact that the first marriage had not been preceded by marriage covenants, while the second had. The validity of the runaway marriage could undoubtedly have been impeached by the guardian whose authority had been disregarded by his ward ; but, as the guardian supported instead of attacking that marriage, nothing turned upon the young lady's minority. The only question was as to the formal validity of the marriage celebrated in Champlain before a justice of the peace. The consorts were both Roman Catholic ; and, if the marriage had been celebrated in Lower Canada, it could undoubtedly not have been performed by a justice of the peace, the proper officer being the priest of the parish. But it was very properly held that the marriage, having been validly celebrated according to the law of New York, should be deemed good in Canada.

The next case to which I shall refer carries us back to the days of slavery, and it illustrates the converse principle that a marriage which is not binding at the place of celebration will not be recognized by our courts.*

John Harris was a slave in Richmond, Va., and in 1825 was married to Sarah Hollaway, also a slave. The ceremony was performed by a Baptist minister, in the same way as an ordinary marriage, except that no license had been obtained. The evidence showed that by the law of Virginia at that time slaves were incapable of entering into the civil contract of marriage. A license was essential to legal matrimony, and no license could be issued to a slave. It was further testified that the so-called marriages of slaves, and the children of such marriages, were not recognized by the law of Virginia, and in no manner affected the relations of master and slave. Harris escaped in 1832 to New York, changed his name to George Johnstone, and married another woman in that city. In 1834 he went to Toronto, where he died, after having acquired real estate there, under his assumed name. Sarah, his first wife, never escaped from slavery, having died in Richmond before the fall of that city. It would appear that she also contracted a second marriage in Richmond after the escape of John Harris.

Upon the death of this much-married pair, their eldest son set up a claim to the Canadian land, as heir-at-law to his parents ; and the question of the validity of the slave marriage in Richmond was

* *Harris v. Cooper*, 31 Upper Canada Q. B. Rep. 182.

distinctly raised in the suit which he brought in ejectment against the holders. In support of that marriage it was urged that the consorts had done all that was in their power in the country of their marriage to make it a valid one, and that our courts should not recognize incapacity to marry on the ground of slavery, which was contrary to the public policy of a British colony. Notwithstanding these considerations the Upper Canadian judges held that the validity of the marriage must be tested by the law of Virginia, where it was celebrated, and that under that law there was no marriage and no legitimate issue. You will observe that in reality there was something more than a mere question of form at issue in this case; for apart from the absence of a marriage license, which was required to make the union valid as to its form, there was a radical impossibility of celebrating a legal marriage in Virginia between the parties on account of their condition as slaves. In fact, the license was not obtainable by them simply because they were slaves and had no capacity to contract a legal marriage.

Looking at the case from this point of view, it may be doubted whether the Canadian court by admitting a want of capacity resulting solely from the institution of slavery did not, in fact, recognize and give effect to a status which was then, as it is now, repugnant to the public policy of the British Empire. There is, however, another way of looking at the question which may justify the courts in declining to admit the validity of slave marriages. In order that a marriage should be entitled to recognition as such, it must possess the essential characteristics of the marriage known to our law: it must involve the ideas of a permanency and exclusiveness. Now the marriages among slaves in Virginia and other Southern States do not appear to have possessed these characteristics. They were contracted with the knowledge that they could be dissolved at the will of the master of either of the spouses; and the ordinary relations between the consorts, such as the obligation of the wife to follow her husband and to reside with him, were, of course, incompatible with the position of master and slave. Accordingly, it does not seem unreasonable to say that these unions were not according to the understanding of the parties themselves, any more than by the custom and law of the land, regarded as marriages in our sense of the word. And in the present case, as in many others, the consorts were no sooner separated *de facto* than they proceeded to contract fresh matrimonial ties.

The same difficulty lies in the way of recognizing the so-called "Indian marriages," contracted in some part of your Western Territories and of our own North-west. Our earlier jurisprudence shows a tendency to regard these unions as equivalent to legal marriages when they are celebrated according to the customs of the tribe, in a place where there are no ministers of religion or officers of civil status. But, as in the case of slave marriages, there is more than a mere matter of form involved here; and it is really the substantive validity of these so-called marriages which is in question. For among most of these Indian tribes polygamy prevailed, and the husband exercised the right of repudiation at will. And as the plurality of wives, and the right to dissolve the union at the will of the consorts, or one of them, are entirely inconsistent with our ideas of marriage, our judges are constrained to look upon these unions as being wholly different from the relation which we call marriage.

Passing now to the effect of the marriage on the property of the consorts, there is of course no difficulty when they have settled their rights by marriage covenants. The express contract thus entered into will govern the rights of Americans, not only in their own country, but whenever they cross our border. If there be no express contract, the principle is well settled with us that the consorts are deemed to have adopted the law of their matrimonial domicile for the regulation of their property rights; and this tacit contract will remain in force throughout all subsequent changes of domicile. Thus our courts have frequently held that persons whose domicile at the time of their marriage was in New York or in Vermont, and who had executed no marriage covenants, remained separate as to property under the laws of those States, even after their permanent removal to the Province of Quebec, no community of property resulting from their change of domicile. And even real estate acquired after this change would be held separately, and would not fall into community. Our courts thus give the fullest force and effect to the matrimonial régime once fully established under a foreign system, and do not allow the tacit contract, any more than an express agreement, to be affected by any change of domicile; for that would be giving one of the consorts the power to change the marriage contract and refusing it to the other, the wife's domicile being that of her husband, and any change of that domicile being controlled by him. In this, I am aware, the view taken by our courts differs from that which has obtained currency in the

United States. Your courts and your leading writers appear to hold that a change of domicile implies an intention to submit as to future acquisitions to the law of the new domicile. So that, in the case above mentioned of domiciled New Yorkers removing permanently to the Province of Quebec, we should be led to the curious paradox that the courts of Quebec would regard them as being separated as to property under the laws of New York, their former domicile, while at the very same time the courts of New York would consider them as being common as to property under the laws of their new domicile. And the amusing irony of the situation would be that, by going from a State where the legal emancipation of a married woman is all but complete to a province which still retains the old ideas of marital authority, the lady would actually be more free from her husband's control in Quebec than in New York in regard to all the property acquired after the change of domicile.

An interesting case has recently presented itself before the courts of Quebec.* The consorts were married in Vermont, where they were domiciled at the time and for many years afterward. They subsequently removed their domicile to the Province of Quebec, where the husband amassed a considerable fortune in business. Up to the time of their change of domicile the consorts possessed no property of any account. After they had come to Canada, the husband made considerable gifts to his wife, buying real estate in her name and paying her from time to time considerable sums of money. These donations would have been perfectly good by the law of Vermont; but they were challenged as being invalid under the law of Quebec, which prevents husband and wife from conferring benefits upon each other after the marriage and during their lifetime except by way of insurance. This strict prohibition existed in the Roman law, and was intended to preserve the purity and disinterested character of the marriage tie by preventing one consort from acquiring the property of the other by the abuse of authority or of conjugal affection. It was preserved in the old French law, partly, it would seem, from the same motive, and partly also because of the desire to prevent the possessions of one spouse from passing into another family by marriage.

However that may be, the disability still exists in Quebec, where no post-nuptial arrangements or gifts are allowed. The Superior Court held that the consorts had preserved their matrimonial

* *Eddy v. Eddy*, 4 *Revue de Jurisprudence*, 78.

status under the laws of Vermont after their change of domicile, that the capacity of benefiting each other during the marriage had been carried by the consorts into Quebec, and that the gifts there made were good and valid. The reason to doubt this solution is that, while it is perfectly true that the matrimonial covenants, tacit or express, persist, notwithstanding a change of domicile, the ability or inability to benefit each other during marriage does not seem to be a matter of contract. In Vermont it would probably be illegal for them to restrict by contract their future capacity in that regard, while in Quebec it would certainly be impossible for the spouses to contract themselves out of a disability created by a positive law of that kind. It would rather appear to be a question of personal capacity which ought to be affected by a change of domicile. However, the case is now pending before the Privy Council; and an authoritative solution of this difficult question may be expected in the near future.

If we now turn to the question of divorce, we are met at the threshold with a more serious difficulty than any of those which we have been hitherto considering. For, as regards marriage, while its form and its incidents may differ here and there, the institution is known to the law of both countries. In the case of divorce, on the contrary, we have already seen that the laws of several of our provinces do not provide for its being granted by the courts, marriage, once properly contracted, being indissoluble during the lifetime of the consorts. I have said "once properly contracted," because there are, of course, remedies against unions contracted by fraud, duress, mistake, and so forth; but these are proceedings for declaring the nullity of a contract which has never been validly formed, not for dissolving ties duly contracted for causes subsequently arising.

There are, also, in most of our provinces, means of relaxing without dissolving the matrimonial tie by separation from bed and board. But the question has been seriously raised in the Provinces of Quebec and Ontario, where judicial divorces are unknown, whether our courts should recognize foreign divorces at all; inasmuch as the dissolution of the marriage tie was supposed to be against the public policy of our law. This view, however, has not prevailed, the Supreme Court of Canada having decided in a leading case that the courts of Quebec should recognize the validity and operation in that province of a divorce validly obtained from the Supreme Court of New York.* The grounds of

* *Stevens v. Fisk*, 8 *Legal News*, 46.

this decision appear to be unassailable; for, while it is true that the courts of Quebec have no power to pronounce decrees of divorce, the Parliament of the Dominion of Canada has the power to establish divorce courts in any of the United Provinces, and, although that Parliament has thus far enacted no general divorce law, private legislation is passed at almost every one of its sessions for the relief of consorts in special cases, such private acts having all the effects of judicial divorces. Accordingly, as divorce is, theoretically at least, not unknown to the law of the provinces which do not possess divorce courts, it can hardly be said to be against their public policy. The same objection was made in England to the recognition of the effect of foreign divorces, when the remedy was administered by Parliament in the form of an act, and not by a judicial decree; but Lord Westbury in a leading case justly observed that this parliamentary procedure was in spirit a judicial, though in form a legislative, act. The justice of divorce was consequently recognized, and it could not properly be said that divorce was contrary to the principles and institutions of the country.* We may therefore regard it as a settled doctrine that your divorces, when pronounced by a court of competent jurisdiction, will be given by the courts their full force and effect, even in the non-divorcing provinces of Canada. But, curiously enough, while our courts recognize the operation of foreign decrees of divorce, the Parliament of Canada, acting in its *quasi*-judicial capacity, refuses to give any extra-territorial effect to such judgments. The whole question was fully considered in the Ash case which arose in 1887,† in which the respondent relied on a Massachusetts divorce to repel the charge of bigamy made by the petitioner. The opponents of the bill urged that, as a matter of international comity, Parliament was bound to give effect to the decrees of a foreign court; but in both the Senate and the House of Commons the principle was established that there was no such obligation imposed on Parliament, as there is upon an ordinary legal tribunal, to recognize the binding effect of the judgments of foreign courts.

That there is no absolute obligation of this kind is, I think, indisputable; but one may respectfully question the consistency of that body in giving effect to some rights acquired under foreign law and refusing recognition to others. In assuming to pass divorce bills according to judicial forms, Parliament recognizes

* *Shaw v. Gould*, L. R. 3 H. L. 84.

† *Senate Debates*, 1887, p. 224.

the extra-territorial effect of marriages celebrated abroad. Why, it may fairly be asked, should it refuse to consider the rights acquired by the consorts under foreign divorces? If the "comity of nations" is to be respected in regard to the former set of rights and obligations, why not in regard to the latter?

Leaving, however, the regions of legislative omnipotence, and reverting to the sphere of judicial competency, let us briefly examine the conditions under which Canadian tribunals are bound to give effect to American divorces. It will not surprise you to be told that our courts are compelled to discriminate between the products of your judicial mill, although they may all bear the same name and label. In some places overproduction has had the usual effect of lessening the value of the commodity, and the quality of the article is often so poor as to make it unfit for exportation. We may, therefore, at once dismiss from our consideration, as not being entitled to international recognition, all those sham decrees which are obtained by a species of imposition upon your own courts,—judgments recovered *ex parte* upon false affidavits, or without any effective notice to the adverse party, or those obtained by collusive agreements between the litigants. For instance, in a criminal case decided in New Brunswick in 1877,* the defendant had been convicted of bigamy. His defence was that he had been divorced from his first wife before his second marriage, and in support of this contention he gave in evidence a certified copy of a judgment of the Circuit Court in Wisconsin purporting to divorce the consorts from the bonds of matrimony. It was proved on the part of the crown that this judgment had been obtained by a false affidavit, that the accused was at the time of the divorce suit, and had been for a year preceding, a resident in the State of Wisconsin, when in fact he was during that whole time a resident of the Province of New Brunswick. Under these circumstances the Superior Court of that province treated the Wisconsin divorce as a nullity, and affirmed the conviction. Again, in the Magurn case,† decided by the Court of Appeals of Ontario in 1885, the husband, who was sued for alimony, relied upon a divorce granted by the Circuit Court of St. Louis County, Missouri, and based upon the alleged desertion of the wife, who had made no defence to the proceedings. The Ontario court found that the separation which gave color to the complaint had been suggested and directed by the husband. He had really planned the scheme

* *Regina v. Wright*, 17 New Brunswick Rep. 47.

† Ontario Appeal Reports, 178.

of the wife's residence apart from him, and it was only by a subversion of the facts that he had been able to procure a judgment against her as the offending party. The court accordingly held that the decree, having been obtained on an untrue statement of the facts, could not be set up as a bar to the wife's claim for alimony.

Leaving aside that class of cases in which the proceedings are tainted with fraud or gross injustice, we have now to inquire how far Canadian courts are bound to recognize foreign decrees of divorce pronounced in serious proceedings honestly conducted.

The first and most important requisite is, of course, that the court which rendered the judgment should have jurisdiction. And by this is meant that such court should be competent, not merely by the laws of its own State, but that it should be competent from an international point of view. No State can allow the civil status of its citizens to be abrogated or modified by the courts of another State by the arbitrary and unreasonable assumption of jurisdiction over such citizens. It is, of course, possible for a State to assume jurisdiction over foreigners upon any grounds which its legislature may choose to enact; but, whatever local effect such enactments might have, they could not lay any claim to extra-territorial operation unless they were framed in accordance with principles of international law. For instance, while under Mormon control, the legislature of Utah authorized its courts to take jurisdiction in divorce cases whenever the applicant was or wished to become a resident of Utah. As Mr. Bishop remarks,* a large number of persons thereupon became desirous of residing in Utah; and the divorce industry prospered there for a while. But these divorces were, of course, entirely disregarded beyond the limits of Utah.

The rule which has been laid down by our highest appellate tribunal (the Judicial Committee of the Privy Council) is that the only true test of jurisdiction to decree a divorce, according to international law, is the domicile for the time being of the married pair; that, where the jurisdiction is exercised in accordance with that principle, the decree ought to be respected by the tribunals of every civilized country, but, where it is derived solely from some rule of the municipal law of the particular country, it cannot claim extra-territorial authority if it trenches upon the interests of any other country to whose tribunals the spouses are amenable.†

* *Marriage and Divorce*, vol. 2, § 144.

† *Le Mesurier v. Le Mesurier*, Appeal Cases 1895, p. 517.

This is, substantially, the doctrines of your courts, except that they carry it a little further by allowing the proceedings to be taken either in the domicile of the husband or in that of the wife, when, in fact, the consorts are living apart. In other words, the fiction that the wife's domicile is that of her husband is not allowed to prevail over the real facts, whenever the question at issue is whether the relation which usually justifies the assumption of a common domicile — *i.e.*, the marriage — should be dissolved.

In an important case which passed successively through the Superior Court of the Province of Quebec, the Court of Appeal of that province, and the Supreme Court of Canada,* a number of our judges appear to have regarded with approval the American doctrine which allows a wife to have a separate domicile for the purpose of divorce.

The consorts were married in New York, and were domiciled there at the time and for about eighteen months after the marriage. They then removed to Montreal, where the husband established himself permanently in business. The wife did not stay there for more than a year, but after that time resided alternately in Paris and in New York. While in the latter place, she instituted proceedings for divorce on the ground of her husband's adultery. He was personally served with the citation in Montreal, and appeared by attorney, but made no defence. A decree of divorce was pronounced by the New York Supreme Court against the husband in favor of the wife, and in subsequent proceedings which she took against him in Montreal the divorce was impeached on the ground that the New York court had no jurisdiction, the husband being at the time of the proceedings domiciled in Montreal. The validity of the divorce was sustained by a majority of the judges; but in view of the great diversity of opinion among them, and of the more recent pronouncement of the Privy Council in the case just referred to, it cannot be said that the American doctrine which allows the wife to have a separate forensic domicile for divorce has yet found a firm foothold in Canada.

Whenever your courts have jurisdiction in proceedings properly commenced before them, they will retain that jurisdiction, notwithstanding any attempts on the part of a defendant to withdraw himself from their operation by removing to Canada. In a case which arose in Ontario † the controversy was concerning the custody of a

* *Stevens v. Fisk*, 5 *Legal News*, 79; 6 *Legal News*, 329; 8 *Legal News*, 42, 53; *Cassils' Digest*, 235.

† *In re Ethel Davis*, 25 *Ontario Reports*, 579.

child. The parents had been married in Ontario, where the child was born ; but they afterward settled in Buffalo, the husband having gone into business there, and taken the oath of allegiance to the United States. Subsequently the wife took proceedings for divorce in the Superior Court at Buffalo on the ground of adultery, and obtained a decree dissolving the marriage and awarding her the custody of the child. Shortly before this judgment was pronounced, the husband left Buffalo, taking the infant with him, and went to the Province of Ontario, where he attempted to resist the effect of the decree, urging, among other reasons, that, when it was pronounced, he and the child were not within the jurisdiction of the Buffalo court. But the Ontario court refused to admit that the jurisdiction had been taken away by the departure of the defendant from the country with the apparent object of escaping the consequences of the impending judgment.

A review of the differences between the laws and institutions of neighboring countries, and of the complications and conflicts resulting therefrom, inevitably invites our attention to the best way of remedying the injustice which must sometimes occur in spite of all the efforts of our tribunals. On no branch of the civil law is unification more desirable than that of marriage and divorce. The whole fabric of our social life is profoundly affected by the uncertainty which may be thrown upon the validity of marriage or of divorce. And the worst feature of this uncertainty is that the innocent may often be punished along with the guilty or careless. The consequences of an irregular matrimonial status are felt not only by the contracting parties themselves, but by their descendants, their creditors, or those taking title from them. While it may be necessary, though often at variance with the facts, to apply the legal fiction that a person is presumed to know the laws of his own country, it would be unreasonable to expect familiarity with the varying systems of thirty or forty different States, or an approximate knowledge of the authority which the decrees of each State would carry beyond its territorial limits.

It is gratifying to see that at the meeting of the State boards of commissioners for promoting uniformity of legislation in the United States recently held in this very city, at which thirty-two States were represented, the chief business of the Conference consisted in the discussion of a proposed uniform bill of divorce, which would, if adopted by the legislatures of the several States, do away with the principal evils of the present system of diver-

sity. The aim of this legislation, as I understand it, is to secure the adoption of such divorce laws in each State as would insure the interstate recognition of its decrees. And, as the rules regulating this interstate recognition are substantially the same as the rules of international law applied by our courts, it seems certain that conflicts of jurisdiction as to divorce would thus become exceedingly rare, and that the intolerable evil of people being considered as married on one side of the line and unmarried on the other would tend to disappear.

At first sight it might seem as if the process of unification could take place more easily in Canada than in the United States, since with us marriage and divorce are subjects for Dominion legislation, whereas in your case uniformity can be attained only by the concurrent action of all the different State legislatures. But the practical difficulties appear to be as serious with us as with you. Efforts were made in 1870, 1875, 1879, and 1888 to introduce legislation on the subject of divorce, but without success. Parliamentary leaders have generally opposed the creation of a divorce court on the alleged ground that the number of applications would greatly increase, and they have expressed a preference for the legislative system which offers considerable impediments to the granting of divorces. Then a large proportion of the Canadian legislators, being Roman Catholics, are opposed on religious grounds to dissolving the marriage tie for any cause whatsoever. As it is, the members professing the Roman Catholic religion habitually abstain from voting on divorce bills, only a few adverse votes being recorded, so that it may appear that the measure was passed on a division. But these legislators would undoubtedly make a serious opposition to any general legislation upon the subject of divorce, as this would open the divorce courts to their coreligionists. The only private divorce bill which was ever introduced to dissolve the marriage of two Roman Catholics met with the most strenuous opposition in both houses, and was ultimately passed by a very narrow majority.

Assuming, however, that a reasonable degree of internal uniformity may be obtained in both countries by legislative action, it is possible to reduce still further the conflicts which may even then arise between our respective systems of law. This could be effected by means of international treaties regulating questions of conflict. France, Switzerland, Italy, Germany, Spain, and Belgium, all furnish us with examples of conventions with neighboring States.

for the settlement of conflicts of law or jurisdiction ; and it is surprising that, in spite of the incessant intercourse between the United States and Canada, no attempt should have been made to imitate this good example. Let me close by expressing the hope that this subject may occupy the attention of our respective commissioners in some future international conferences following upon that which has so auspiciously begun in Quebec for the furtherance of lasting peace and amity between the two nations.

4. OBLIGATIONS OF THE STATE TO PUBLIC EDUCATION.

BY HON. CHARLES BULKLEY HUBBELL, A.M., OF NEW YORK CITY.

[Read Thursday morning, September 1.]

I am not certain but that what I have to say on this occasion might have been presented more appropriately, and perhaps more acceptably, if it had been included among the papers read in the educational division of this Association; but the thought that I might enlist the sympathy of my brethren of the law in the cause for which I plead is my excuse for invading the field of jurisprudence at this time.

The concern of the State hitherto in connection with the education of its youth has proceeded from and related to varying interests. First, it was the establishment of ecclesiastical supremacy and the benefits which were believed to accompany it. This primary object was superseded by political and dynastic influences, having for their object the perpetuation of parties or persons in power. France, Sweden, and some other foreign countries, with distinguishing arts and manufactures, have made industrial development their chief concern in connection with public education.

From the earliest days, when the little red school-houses dotted the hills of New England, and extended like a cordon of fortresses to the boundaries of the Carolinas, where they were maintained for the purpose of preventing any permanent occupation by the hordes of ignorance, the principal object of public education in free America has been to make men and good Americans of its native and foreign born youth, and fit them to discharge the duties and to respond to the obligations of intelligent citizenship. In other words, the chief concern of the State with us in public education is, and has been heretofore, social in its character. In no other way can a republic be perpetuated, and its free institutions successfully maintained. In order to realize all that is required from the benefits of public education, it is most essential that the State should realize its obligation to the youth who will one day

be its upholders. This it has done, and is doing most generously and nobly in this country; and it is a matter of pride to those who hail from the Empire State to recall that nowhere has that policy been more generous and progressive than in our own great Commonwealth.

De Witt Clinton said, in his inaugural address, "In the dissemination of intelligence and in the extension of the benefits of education there can be no such thing as prodigality in the expenditure of the public treasure." Millions of dollars are cheerfully expended by the people every year in providing free education for all those who are capable of receiving its benefits.

During the first years that followed the settlement of this country, the importance of the development of *character* in the children of the community through the influence and methods of the schools was ever present in the minds of our Puritan Fathers, as the first requisite of the best education. The schoolmaster was frequently the village minister, ripe in scholarship, athletic and vigorous in body, by reason of the outdoor life made necessary by the conditions under which he lived. He realized that a sound mind in a sound body, and both under the undisputed sway of a stalwart character, was the condition that must prevail if the best results of education were to be achieved.

The war of the Revolution closed some of the colleges and many of the schools. "The schoolmaster was abroad" with a musket, and the young idea was compelled to shoot in the air for a considerable period. Soon after that glorious struggle the condition of unrest incident to success in revolution took possession of the people. This was followed later by the era of development of our vast areas, when those great waves of immigration washed in upon us from the shores of Europe. Thoughtful men realized that the only way to absorb and Americanize such vast, and in some cases doubtful, contributions to our population was by means of common-school education, which should be free to all. We must make these people intelligent, they said; for freedom with ignorance soon degenerates into license, and license has no regards for the rights of others. Under such conditions, anarchy develops, and republics disappear. How well our free schools have done their work, you all know. That it has been far from a perfect work, you likewise know; but the marvel is that it has been done so well.

In some of our cities there are public schools in which, at the

opening of the year, 90 per cent. of all in attendance are the children of foreign-born parents, with no knowledge of our institutions or the conditions that are necessary for their maintenance. In some instances, 70 per cent. of the children coming into our schools for the first time, do not even speak the English language, although it has been observed that these children, when carefully taught, speak better English than many of the children brought up in English-speaking families, where little or no care is given to forms of expression. Yet so sensitive is this period of youth to the lessons that are taught, and so responsive are these youth to the influences that are brought to bear, that it requires little more than a year to teach every ten-year-old boy and girl to reverence the flag that is unfurled every morning in their presence, when they pledge allegiance to the country so recently adopted as their own. When that pledge of allegiance is understood, the first lesson in good citizenship has been learned, and when the duties of citizenship are understood, with the accompanying rights and obligations, the great object of education with us has been achieved. The mistake often made with us is that the first object of education is made purely commercial, and not social in its development. Oftentimes the parent, in his haste to see his child equipped so that he can make a living, loses sight of the danger that lurks in a system of education not concerned with the development of the body and the character.

Persons high in authority even insist that the A, B, C's, are all that the State should concern itself with in its relation to the schools, that the kindergarten serves no better purpose than to make children expert in tiddledy-winks, assert that physical culture only serves the ends of pugilism, and that the daily inspection of children with reference to contagious diseases in our schools is an invasion of the line of parental duties. As a matter of fact, it has been found that in one large Western city, where ten years ago there were over one thousand arrests of youthful delinquents under the age of eleven years in a single year, six years after the introduction of the kindergarten system in the public schools of that city, there were only three such arrests in a similar period, and one of these juvenile victims of the law was found to be innocent of the charge that brought him into court. It has been demonstrated that physical culture in our schools is widening the chests, increasing the stature, and making healthier and sounder men and women of thousands of our American youth.

One of the board of physicians appointed by me last year examined over eighty applicants for teachers' positions in our public schools, without finding one who was not physically sound. It was found during the first year in which daily inspection of public school children, by experts, in the city of New York was maintained that there were hundreds of cases of contagious diseases, including scarlet fever, diphtheria, and contagious eye and skin diseases among those assembled in the school-rooms. Suspects were immediately taken from school and sent to their homes, where they were promptly quarantined, or, if the conditions made it necessary, were sent to some institution where they were given proper care, and the spread of disease prevented. The records of the Health Board of the city of New York disclose that there was a reduction of 20 per cent. in the death-rate during that year. The State had recognized an obligation to do something in the schools besides provide a full line of A, B, C's, for the children.

The world has come to regard systems for the reformation of the delinquents and degenerates of society with little faith, and to turn with great hopefulness to the new education that will take the child at three or four years of age in the kindergarten, where by its methods even the blasting tendencies of heredity and the withering influences of environment can be overcome. *Formation*, and not reformation, is the hope of society.

What benefit can accrue to the State if the result of its public education is only "to change a stupid rascal to a clever knave"? Now that the resources of the country have been developed in every direction, and even science has halted for a breathing-spell, we are beginning to give heed to the Greek philosopher, as he still continues to speak to us in that famous injunction that has been handed down from generation to generation, — "Man, know *thyself*." Hundreds of our brightest men and women have for the past five years been devoting themselves to this study, both in the department of physiology and psychology, though both are closely related in these investigations, and we are beginning to understand what can be done to improve the race by means that can be availed of in the education of children. This knowledge has brought with it new obligations on the part of the State to avail of the best methods that the expert, sagacious educator recommends. It has also created prejudices in the minds of many unthinking people, who would limit common-school instruction to teaching the elementary studies in the old-fashioned way. It will

be recalled that vaccination was opposed by many, and not always by ignorant people, although, partly by means of its general adoption, a great plague has been swept from the face of the earth.

I confidently believe that the benefits of the new methods in sight, in the education of young children, in ten years will be found to have been as important to the development of a better race of men and women as any discoveries in the scientific world have been during the last decade to the cause of science.

Twenty-six years ago the so-called Foster Act, making the attendance of all children between six and fourteen years of age at school compulsory, became operative in England.

Some of the States of the Union had already made compulsory education for all children between the ages stated, and I believe that at the present time all of the States have provisions on their statute books of a similar nature. When the State says to the parent, I will take the custody of your children for five or six hours a day for eight years, whether you will or no (unless education is otherwise provided by the parent in ways approved by the State), has it not assumed a new and larger obligation in reference to such children? Is it not quite as important that the health and physical condition of the child should be looked after with quite as much zeal as the development of its mind? We are beginning to find out in New York City that there are many, I dare not say how many, children in our public schools, who, through defective vision, hearing, incipient disease, or disability of various kinds, have been considered stupid and abnormal. In many instances, discouraged by reason of the irksomeness of school life under such circumstances, they naturally have dropped out of the schools only to walk in paths of ignorance that so often lead to the broader roads of vice and crime. It is the experience of many of our school-teachers that in their classes there are one or more dullards or degenerates under their charge whose presence retards or demoralizes the normal children of the class.

I would plead for the recognition of a new obligation on the part of the State, that will provide expert inspection for every child whose custody it demands. This inspection, in my opinion, should relate to physical disability of every kind; and, when a defect is discovered, the parent, often ignorant of the peril of the child, should be notified of its condition, and, if necessary, informed of the institution where treatment may be had free, if the parent is unable to pay. I plead for the recognition by the State of all

dullards and degenerates in the public schools, and for the establishment of special grades for their instruction. The benefits will be twofold: the abnormal child will receive the special instruction that its unfortunate condition demands, whereas the normal child, untrammelled by the presence of its unhappy associate, may go on in its studies, unobstructed by the deterrent influences so often observed.

I am also of the opinion that the deaf and dumb in every community should be instructed at public expense, and in the articulate methods that have done so much to minimize the calamity that falls upon those born without speech and hearing.

I have frequently seen children in our New York schools with one shoulder a little higher than the other, standing in a manner that would indicate the beginning of a spinal disorder, others whose breathing and attitude in reading, together with the betrayal of symptoms in the voice, plainly show that, if surgical or mechanical interference is not resorted to, permanent deformity in the one case and pulmonary defects in the other will almost surely follow.

The limitations sometimes observed in connection with the work of our teachers are often caused by physical disability sufficiently enervating to make the best-sustained work impossible; and I therefore believe that the State should not only require careful physical examination by its own experts of all teachers before they are licensed to teach in our public schools, but I likewise think that the State should insist upon a more thorough examination of every candidate for free instruction in its normal colleges and training schools, where such candidate expects to teach in our public schools. In that way the State will secure a more vigorous body of men and women for work in its department of public instruction, and correspondingly better results.

The United States government will not permit any cadet to begin the work of preparation for service in the army or navy at West Point or Annapolis until he has first passed a most thorough physical examination.

If the State will generally respond to these obligations that I believe are now properly imposed upon it, may we not confidently look for a better, stronger, and more useful body of men and women in every community?

I would that more of our practical, thoughtful, educated men would ally themselves with the work and maintenance of our public schools. The work is a holy one. The responsibility as

one comes in contact with thousands of young, hungry, impressionable minds is tremendous, and the opportunity for usefulness to the man willing to make some sacrifice for the public good is without limit. The great hope of the betterment of the human race lies in the improvement of methods of educating and developing young children and in the perfecting of the character of the teachers who come in contact with these young minds. The impress of a noble, sweet character upon the average child is more lasting and useful than any limited mental training possible, however skilfully conducted, ever can be. The kindergarten, manual training, vacation and recreation schools in summer in large cities, special training for the dullard and degenerates, together with daily physical inspection of children in our public schools, will surely reduce the numbers of inmates in hospitals, prisons, and jails, lower the death-rate among children, and advance the average limit of human life, where regard is given to these things.

There is an obligation on the part of the State to adopt every method that will tend to that result. Every reason of State economy justifies whatever expense may be necessary to that end. Every youth tendered to society by the State when the common-school education is ended, providing that youth is equipped with a sound character, body, and mind, has a definite value to the commonwealth; and, if, by the influences thus furnished by the State, a child, whose tendencies, by reason of heredity, environment, or both, can be rescued from the battalions so often recruited for the exploits of vice, does not the state so far forth make her perpetuation in purity, through the lives of her citizens, more certain?

Thoughtful men in all countries are realizing the vast importance of enlarging the obligations of the State to its youth, in connection with the education furnished by the common school, as never before. The anatomist and the psychologist are studying the child with reference to the best methods possible for its development with an earnestness and scientific precision hitherto unknown.

The State must take cognizance of this new advance, and assume the obligations that it demands. If our institutions are to be understood, preserved, and adapted to the requirements of these latter days, the bulwarks must be strengthened, our youth must be "led forth" each with reference to the very best that is in him, and more than ever must we realize that the "child is father to the man."

It was the immortal Webster who said : " You may carve upon marble, but it will perish ; you may engrave upon brass, but time will efface it ; you may build temples, but they will crumble into dust. But, if you engrave upon the human mind, imbue it with principle, teach it to love God and serve one's fellow-men, you will engrave upon tablets that will grow brighter through all eternity."

[NOTE.— At the close of the morning session on Thursday a brisk discussion ensued, principally with reference to statements contained in Professor Wayland's address. What follows is the stenographic report of such debate, much reduced.]

Mr. SANBORN.— I remember the somewhat heated controversy which followed the paper read here some years ago by President Andrew D. White on the subject just now presented by the chairman. It was taken up with some heat by my friend, Mr. Fred Wines.

Now there is, in fact, a considerable difference between the sources, when you undertake to compare the statistics of crime in this country with the statistics of England, for instance. The statements made by Dr. White, and, I presume, the statements made by the chairman, are taken from a careful but still necessarily imperfect summary of crimes made by one of the great newspapers of the country, the *Chicago Tribune*. The English statistics come from the officers appointed to report those cases which come before the legal tribunals. There is an immense preponderance against our country, partly due to this fact.

As every gentleman knows who has attended the proceedings of our courts in criminal matters, the legal profession of the United States is an accomplice in every species of crime,— an inexcusable accomplice, because the members of this profession are perfectly well aware in individual cases that they are aiding crime. I do not mean that they are in every case, but no well-informed member of the bar can be in any doubt as to what he is doing when he is seeking these perfectly inexcusable delays. He is not seeking the public good : he is not complying with his oath as a member of the bar. He is seeking the interest of his own pocket or some few members of the community, and he is seeking to delay and defeat justice. And the remedy must lie in removing from the minds and consciences of the legal profession this criminal complicity with crime of all sorts.

Hon. ST. CLAIR MCKELWAY.— I think, Mr. Chairman, there are two or three qualifying circumstances to be taken into account in our consideration of the delays of justice in the United States. The American nation are more humane than their British brethren. Our solicitude about life is a solicitude which they do not feel. The growing distrust of the adequacy of capital punishment accounts in a large measure for the small percentage of convictions. On the other hand, the States in which the death penalty has been abolished present instances in which the theory of life imprisonment is without efficacy, because in a short time a pardon issues, under the old rule that, where a few are insistently interested in the bringing about of a result to the prevention of which the masses are indifferent, the few generally win. And then, again, the subdivision of our

nation into States and districts and various forms prevents that unity and that uniformity out of which come the celerity and the certainty of which you speak. We have forty-five different kinds of murder that could be punished in forty-five different ways, unless they should happen to be committed on the high seas or within federal territory or jurisdiction. The diversity of our laws with regard to homicide is not greater than the diversity of our laws with reference to divorce. And so, until we do become a homogeneous nation instead of a nation of partly independent States, we shall have these disparities which have been mentioned.

I believe that the reform must begin with the courts, that the judges should ask for legislation for the purpose of simplifying the law with reference to the right of appeal, and all of the rights that are now spread out too long with the result of defeating justice. But before that and beyond that and around that should be found within the membership of the bar itself the exercise of the weapon of personal respect, and of social ostracism and branded indignity against all these rancid pests of the legal profession that defile that profession as much as lesser scoundrels do other honored callings. There must be a peculiar crime committed when a lawyer, under the pretence of being true to his client, is untrue to his commonwealth, to his profession, to his oath of office, to his country, and untrue to his Maker. Until the controlling sentiment of the bar in favor of honor shall become the pervasive influence throughout all the bar and along all of its branches, these things of which we complain will continue; and our ability to deal with them effectually, except in words, mere words, will be correspondingly impaired.

The Chairman, Professor WAYLAND.—If there is a greater menace to society than the professional criminal lawyer, outside of State prison, I do not know it. Do you know any one who has any social standing or any respect among his brethren? He is a pilloried type, socially. Now as to the part which the judge can bear in this reform. The judge must see so far as he can that an impartial jury is selected, and must see under the rules of evidence that no improper evidence is admitted, and that the rights of the witnesses are respected. He must see that the jury is instructed to apply certain principles of law to certain proved facts, when they have accepted those facts, and then the jury are dismissed to the jury-room; and there is nothing else for him to do except to refuse a new trial, when he thinks a new trial ought not to be granted. A judge can go no further than that, and there are few judges who do not go as far.

Mr. EGGLESTON.—They do in England: they tell a lawyer to sit down.

The CHAIRMAN.—The whole atmosphere of the English trial, civil and criminal, is quite different from ours. The judge will say to the lawyer, "I do not want to hear any more of that; I wish you would address yourself to the subject"; and he has to do it. There is no wrangling with the court as here. I think I have stated correctly all that the judge can do here. Do not let us condemn him for not trying to do what is not within his function.

Dr. EGGLESTON.—The peculiar sentimentalism of our people lies at the bottom of some of this. I attended the Maybrick trial; and, if ever a woman ought to be hung, she should, and yet our people are presenting petitions yet.

Mr. MILLARD.—Must we not say that the great number of murders in this country as compared with the number in England is due in large measure to the fact that so much of our foreign element is of a criminal type?

Mr. McKELWAY.—In regard to the question of criminal law and the criminal lawyer being an outlaw within his own profession, why should he be? The defence of the criminal is as legitimate as of the artificial person called the corporation. The criminal is so much the solicitude of the courts that, if he is unable to procure counsel, the court will appoint from the members of the bar a lawyer to defend him; and the law allows in the rural counties the boards of supervisors to give to such counsel reasonable compensation. But whether such criminals are artificial persons called corporations their lawyers show no immense improvement upon the criminal lawyer who has been stigmatized. Perhaps certain eminent lawyers would not descend to the devices of certain criminal lawyers, but they would exploit all tests of sarcasm and device on cross-examination to bring about the confusion of the witness and the impairment of his ability to tell the truth, to the same degree that others of their less esteemed brethren do. I think with all respect to Mr. Choate, who so terrifically defended the jury system, which is in no more danger than the American home, that his demeanor toward a venerable but, I fear, not venerated member of the financial world—his persecution and torture of Russell Sage—would compare unfavorably with the worst conduct of the worst lawyers in the worst criminal cases in the city of New York.

5. MEDICAL AND OTHER EXPERTS.

BY ST. CLAIR MCKELWAY, LL.D., OF BROOKLYN.

[Read Thursday evening, September 1.]

My friends, the expert is a topic of the time. He has also been a problem for a long period, and he is almost becoming a scandal. Whether he is the best abused or least understood man of his generation cannot be settled. The profession, whatever it may be, to which he belongs,—the bench, the bar, the press,—science associations and the general public find in him a subject that alike impels and repels consideration.

The character in which he concerns mankind is that of a witness. As a witness, he differs from all others who give testimony in the fact that, while those others give or claim to give evidence of what they know, he is called on to render under oath his opinions. He is, in short, an opinion witness. The degree to which his opinions are correct should really entitle him to be called an expert. But the term is broad, general, and sweeping; and, for purposes of practical estimate, the expert must be regarded as any specialist giving evidence in the form of opinion, no matter what his real or reputed standing in his specialty or in the community.

As already said, the other witnesses known to the law are barred from opinion-giving. Facts, they are assured, are what court and jury wish to hear from them, and not opinions. The effort to confine general witnesses to facts is not always successful. Juries, however, are told and instructed to disregard the opinions of all but expert witnesses, taking even those opinions as but a fact in the case; and they sincerely try to do so. It has come to pass that juries without instruction, but under a conscientious view of their duty to justice and to their oaths, are more and more disregarding expert evidence except as that evidence may receive the stamp of favor from the words of the judge himself.

Reasons for the cheapening of expert evidence are not far to seek or hard to find. It is cheapened for exactly the same cause

that leads jurors to discount the speeches of advocates. The advocates are hired to say their say. The experts are paid to testify to their opinions. On the whole, the advocates come off better in jurors' judgments than the experts. The legal profession, from the beginning, has been justified, in its own opinion and in the opinion of practical reasoners, in taking sides in any case. There are always two sides, and sometimes as many interests are involved and represented as to suggest a much larger number of sides. Each one of these is entitled to its lawyer or lawyers; and they, in common acceptance, are entitled to payment. The payment itself, by common acceptance, can be proportioned to the eminence of the advocate or to the ability of the represented interest to compensate him, or to the value of the issues involved or to the amount of labor required, or to the degree of opposition to overcome, or to all these considerations combined or to any group of them. The lawyer as a money-maker does no violence to any received conception of his function. This is especially so when the fact is borne in mind that, in many criminal cases, lawyers, under the assignment of courts to defend clients who cannot afford to retain counsel, will do for them without charge or for only a nominal consideration all that they would do or could do for the richest defendant. The chivalry of the bar in these instances commends their charges at high figures in other instances.

So it must not be thought that lawyers' addresses are discounted and compared and criticised and contrasted by jurors merely because attorneys are hired advocates. Jurors do not condemn them for being hired; but they do rate what they say below the value or emphasis which lawyers would have them put upon it, because they think that the study, in the main, of one side only, and the desire altogether to have that side successful, give to the advocate a partisan, an interested, a biassed, and a warped view of the subject which he treats. The discount of lawyers' addresses is due to this estimate of their interested relationship. The discount of the charge of the judge is a thought which does not enter jurors' minds. The judge is elected, sworn, and paid to be impartial. He is thought to be so. In nine instances out of ten, he is so. In the tenth, his deviation from impartiality would hardly be discerned except by the most critical; and by them it would be regarded as an error not of intention.

Now apply this operation of morals and of reasoning to experts.

They are privileged witnesses. They alone are privileged to give opinions on the facts or on the supposed facts. The judge himself is not allowed to do that. He is careful to tell the jury that they are solely the judges of the facts and of all the facts in the case; but among those very facts is the fact of the opinion evidence of experts, is the other fact of the conflicting opinion evidence of such experts, and is the third fact that these experts are paid to give the opinion which they do render under oath, and are paid to impair or to destroy the contrary opinion which antagonistic experts are likewise paid to render and to defend under oath.

COURTS ON PAID OPINION WITNESSES.

If we drop our casuistry as lawyers or if we lift ourselves above the technical procedure of courts, if we retire for a moment the artificial reasons by which such casuistry and technicality can both be defended, we can get down to some plain ethical considerations. One of them is that such opinions as many experts are called on to render should be invaluable, and, therefore, the property of all, and not for sale to any interest or man to use against others. A profession should be a title of nobility. *Noblesse oblige* should be the motto of contemporary civilization as much as it ever was of that of any time. If the professions other than that of law, which, as already said, is a licensed and discounted partisan, and the contending partisanship of which is tempered by judge and jury, and is really useful to both, deliberately enter the market in competition for clients or for a price, they must expect to part with the authority and respect which they would like to command; and they must expect to be rated by the gauge and wage of interest in hand or in sight, supplied by the adherents to the view to which they sell their services. There can be no retreat from this proposition. Men may protest against it, but it will not down at their protest. Experts may feel offended by it, but the offenders are those by whom the offence cometh. Their friends and their families may object to it, but the laws of human nature are not changed for their comfort or to preserve or to increase their importance. It is a fact in the world. The retained expert is becoming more and more a discredited quantity in the courts of law, among jurors, in the press, and in the general community.

It was only awhile ago, in the case of *Roberts v. The New York Elevated Railroad Company*, 128 N. Y. 465, that Mr. Justice

Peckham, then of the Court of Appeals, and now of the United States Supreme Court, said :—

“Expert evidence, so called, or, in other words, evidence of the mere opinion of witnesses, has been used to such an extent that the evidence given by them has come to be looked upon with great suspicion, both by courts and jurors ; and the fact has become very plain, in any case where opinion evidence is admissible, that the particular kind of an opinion desired by any party to the investigation can be readily procured by paying the price therefor. We have lately said that the rules admitting the opinion of experts should not be unnecessarily extended, because experience has shown that it is much safer to confine the testimony of witnesses to facts in all cases where that is practicable, and leave the jury to exercise their judgment and experience on the facts proved.”

And the same court, by Judge Earle, in *Ferguson v. Hubbell*, 97 N.Y. 507, declared,—

“It is generally safer to take the judgment of unskilled jurors than the opinions of hired and generally biassed experts.”

This is judicial language. Like too much judicial language, it is turgid and involved ; for the clarity of journalism or the elegance of literature rarely characterizes judicial opinions. Admission must be made, however, that the language of such opinions is generally strong, though blunt, and can sometimes be understood even when it cannot be parsed. Aside from that, however, the language is at once a final estimate and a final instruction by the court of highest authority and last decision in this State,—a court which has always commanded the respect of the State, and a State which has always commanded, through that court, the respect of the republic and of the world. The language is the characterization of a system. It virtually calls that system a vice. Indirectly, it argues and almost demands the abolition of that system. The court has not the power to abolish it, but the court has done all the court could to degrade it.

There may be another side. Something can possibly be said for that other side. I would certainly say all I could within truth and duty in extenuation, not of the system,—for that is morally indefensible,—but for the practitioners of it. Many of them, by far the most of them, are honorable men. They mean to tell the truth, and to tell it with justice and impartiality. But no man should be placed in a position in which he cannot do that, much as he may want to do it. In such a position, professional experts

are placed by the existing state of things. No one would expect an attorney to leave his place by the table from which he speaks and to mount to the chair of the judge, thence to deliver a judicially impartial and absolutely unbiassed opinion upon his own partisan argument as a retained counsel. The effect of one-sided study on the mind would make that impossible. The operation of interest, of combat, the dear delight of battle, the passion for a particular result, would render that beyond human power. The very effort would be a travesty on the function both of judge and counsel. Such an illustration should suffice for the unnatural attitude of the professional expert toward the impartial justice of which he should be the exponent. Until the expert can obtain the warrant which the bar has obtained of a licensed partisan, his vocation will carry a sense of scandal in it; and, when he has obtained that warrant, then his professional standing will be impaired, and the dignity and authority of his personal equation will be reduced.

Of course, you and I and all of us know that there are experts and experts; that there are exact sciences and inexact sciences; that there are opinion witnesses who can be positive and others who must be tentative; that there are absolute truths and empirical propositions and pursuits. Of course, we all know that under the present system the expert confronts a fellow-expert, and that both are harassed, angered, and confused by cross-examinations conducted with the purpose of breaking them down, of destroying their influence with the jury, and indirectly of bringing them, through the accomplishment of their overthrow, into contradictions that make havoc of their credit, ducks and drakes of their fame, reduction of their income, and ruin of their confidence and self-respect. These are all true statements. You and I have heard them. You and I have made them. You and I have regretted them. Bar associations and medical associations and social science gatherings have been the theatre of the utterance of them; and so they are as trite as true, and need no amplification here. But let us not undervalue these palliative pleas, even when we do not renew them.

Still, these considerations do not touch the heart of the subject. You all realize that. These considerations were not absent from the mind of the judges of the Court of Appeals when they delivered the terrific objurgations which have been quoted. That tribunal would have had, as we would have, charity for all the victims

of a wrongful system without abating opposition to the system itself or the purpose to abolish or to reform it. It must be abolished or it must be reformed. I have been told that neither its abolition nor its reform is possible. I have been told that the right to call an opinion witness is the same as the right to call any other witness. The assertion is made that the right to call an opinion witness involves the right to call any number of such witnesses, and that the right to contradict, to cross-examine, and to break down, or to discredit, such witnesses is the same as the right to do that in the case of any other witnesses. The declaration has been advanced that the freedom of trials is essential to their fairness, and that that freedom would be dangerously abridged if opinion witnesses were placed upon any other basis than that of other witnesses, so far as their treatment or credence is concerned, except as they themselves, by character, learning, and dignity, can make for themselves a special consideration, and can protect themselves against the concerted impertinences of bombarding counsel.

DEFENCES OF EXPERTS BY SOME LAWYERS.

This plea is put forward mainly by lawyers who have brought expert testimony into disrepute, and who, to a degree, have brought their own profession into disrepute by the arts which they have practised for the concealment or destruction of truth rather than for its disclosure and denotement. It is the plea of lawyers who, in many instances, have exceeded even the elastic limits of the easy ethics of their profession. The plea is made by lawyers who could well be called barrators and the agents of champerty instead of the officers of justice; by lawyers who take cases, not for the truth that is in them, but for the lies which can be put into them, and who stipulate, in the event of the success of their efforts, that to them shall come the major part of the guilty gains. Such lawyers are as much of a reproach to the bar as any other scoundrels are to any other profession which they disgrace. The bar is potentially equipped with the means of driving these pests from the calling which they contaminate. But the bar has been woefully negligent in availing itself of such means. The source of the plea should suffice to dispose of it; for the object of these men is the denial and the defeat, not the triumph, of justice. It is the enrichment of themselves out of the robbery of others by the forms and processes of litigation. Even the plea might be admitted, in

its comparative sense, without touching the heart of the subject. It might be conceded that opinion witnesses should receive no better treatment than other witnesses. I do not know that opinion witnesses ask for any better treatment than other witnesses should receive. But I do submit that, if the treatment which opinion witnesses do receive is but the treatment that other witnesses receive, then the argument for the better and juster and fairer and more considerate treatment of all witnesses is made unanswerable. I am happy to concede that, opinion witnesses apart, the general treatment of other witnesses is better than it formerly and long was. Jurors have shown a resentment at the injustice or brutality practised against witnesses of their own class and calling in life. Even the bullies of the bar have taken the hint, and judges have been strengthened in their desire to enforce good manners upon them.

I have said that this plea for expert testimony, as it is, is not put forth by experts themselves. Their plea has been something like this: They are learned men. The use of their knowledge secures them their living and their income. The time and labor which they must put forth in advance of trials to equip themselves for their duty as witnesses, and the time and labor which they must put forth in trials as witnesses, are taken from the paid practice of their profession, unless their preparation to be witnesses and the act of being witnesses be also called the exercise of their profession. If it is such practice of their profession, they are entitled to be paid for so practising their profession. If they are entitled to be paid in their capacity as witnesses for the practice of their profession, their pay can be rightly based upon their own estimate of the value of their services to the interests retaining them; and that devolves upon them the duty of sustaining their view of the case by every means which they can rightfully use.

I think this is a faithful summary of the best defences which I have read by any of the experts themselves. Every witness has his work to do in the world. The expert is the only witness who claims or is allowed special payment for the suspension of his work outside long enough to become a witness in court. His plea is that his work there is really the continuation of his work outside, and that his preparation for that work is much more difficult than the mere duty laid upon other witnesses to testify concerning general facts. There is some truth in this plea. The expert perhaps should be paid a reasonable sum for his special knowledge and special labor. But that knowledge and that labor, as they

belong to justice, should be paid by justice, and not by one side or by the other contending for the consideration of justice. The attorneyship theory of a witness is virtually an infraction of his oath to tell the truth, the whole truth, and nothing but the truth ; for he feels retained, when retained, to take that view of the subject that will tell for the side retaining him. A large sum of money to a general witness would be called a bribe. A large sum of money to an expert witness is a stimulation or a persuader. There is a difference between that and the bribe to the general witness. It is a shadowy difference, hard to define or describe. There is a resemblance between them. It is a resemblance too plain or too repulsive to be pointed out.

Not the right of expert witnesses to reimbursement is questioned, but the source of that reimbursement. He who has power over my subsistence has power over my will. This Baconian statement is especially true when subsistence plays the important part which it sustains in an era of multiplied wants and of competitive living, when what men have or can command is the measure of their necessities, their luxuries, and, in a sense, of their importance. Such indirect power, at least, over the subsistence of expert witnesses, retaining clients or interests have. The degree to which that constrains their will cannot be nicely determined, but a real and palpable constraint can be asserted with truth. Hence, as said, the source of their remuneration is all-important. I sympathize with those who contend that the source of it should be the public treasury ; that the measurer of the value of the time, labor, knowledge, and reputation of the expert witness, should be the judge, himself a professional man, lifted by station, public support, and official authority above unfair criticism, and sure to be upheld in any large and liberal estimate which he may make in the name of justice.

I sympathize, also, with those experts who both philosophically and pathetically maintain that the partisanship of their employment should cease ; that they should be summoned by the court alone, and not by the attorney of either side under color of the court's authority ; that as many experts should be judicially summoned as the judge thinks the rights of all interests in the case will require ; that, if necessary, a list of experts should be nominated to the judge by each side of the case, from which list the judge should select those whom he thinks could best be chosen ; that the propositions submitted to these experts and the replies

obtained from them should be in writing, and that, so far as written interrogatory and written cross-interrogatory will permit, the investigation of the questions upon which the views of opinion witnesses are required should be conducted by commission, not in open court. The judge himself should be the final authority of the net truth to be gathered from all the expert testimony thus obtained, and should announce that truth *ex cathedra*, as it were, to the jury with the same precision, authority, and impartiality with which to them he expounds the law.

This would be a reduction of the present scandal of expert testimony. It should be the first step toward the reform or the abatement of that scandal. If the change can be made by statute, it should be made in that way. If constitutional action is required, that action should be had. If, however, as many believe, courts under their broad equity powers can decree or ordain this change, that should be done. Court-made law is in the long run the best law. The influence of courts on the making of law by legislative action has for a long time been benign as well as in the very nature of things large. The object of trials is the finding out of facts, or truth. That method of trial which best finds out the truth of any case is the best; but neither of judicial methods nor of any methods, as Professor Isaac Franklin Russell well says, can absolute demonstration be affirmed. Of mathematics and of physics alone can that be affirmed. Law must take its chances on human infirmities, human interest, and human sins. But we know that we owe largely to courts that sympathetic correspondence with humanity which has simplified the getting of evidence, on the one hand, and reduced the brutality of penalty, on the other. Thanks to this, the duel is no longer a decision. Ordeal of fire is obsolete. Ordeal of water has ceased. The challenge to Heaven for intervention in matters demitted to man is no longer allowed.

The reforms in testimony which have been secured assure that reforms still needed can be secured. Plaintiffs, defendants, and other parties in interest can now testify in a case, the jury to weigh the fact of their interest as it should be. Wives and husbands in most cases can now freely testify for or against one another. Even convicted parties can give their evidence. These and many other advances argue that the reforms needed in the matter of expert evidence can be secured. They must be secured if the expert is to remain a witness at all or other than a discredited one. His present status can be tolerable to no profession to which he belongs, to justice or to himself.

CURIOSITIES OF EXPERT TESTIMONY.

My purpose has been constant in this output of my views to avoid the personal treatment of the question, or at least to work into it no reflection on experts as individuals. It is difficult, however, to avoid consideration of the bad effect upon experts of the partisan or competitive character of their testimony. There are men who hold themselves out as experts. There are so-called experts who seek to commend themselves to the injured as their professional backers in vindictive litigation. Others still constantly seek to ingratiate themselves with corporations which are exposed to damage suits. There are runners in about every city on the look-out for accidents, who carry in one pocket the cards of damage lawyers and in another the addresses of professional experts with a notoriety or celebrity for the aggravation of injuries. Neither the collective character of the bar nor the collective character of the medical profession is represented by these creatures. But these creatures do exist, are active, and, to say the least, are rarely poor.

I have known more than one aspirant for judicial honors to base his endeavors upon the wealth which he has acquired in what I do not hesitate to call the infamous practice of the legal profession ; and, to make his plea for nomination extremely pathetic, such an aspirant generally says that, if he is raised to the bench, he will have an opportunity by reform or by restraint to improve his reputation. I have known doctors who have testified on one side of the river upon a state of facts, involving the plea of insanity, to exactly the opposite effect to that which they have given evidence upon identically the same state of facts on the other side of that river. When confronted with their contradictions, they have said that the facts were not exactly the same, although everybody knew that they were.

I know of one expert, so called, eminent at the time, but happily discredited since, who agreed to testify to the sanity of a defendant indicted for homicide, whose mental condition he had thoroughly studied. The district attorney had only \$1,000 from the Board of Supervisors with which to pay this man. A relative of the defendant paid to this doctor \$1,500 ; and, when the trial came on, he testified to the mental irresponsibility of the defendant, who was acquitted. He was confronted with a letter of his own to the district attorney, in which he had taken the ground that the

defendant was entirely sane. He unhesitatingly explained his sworn testimony by declaring that he had given to the subject a more careful examination than he had been able to give when he wrote the letter. The \$500 difference between what the State could pay to him and what he was paid by the defence was set forth to the jury without apparently weakening his credit with that tribunal.

Another case within my observation involved the release of a United States prisoner by the President on the assurance of a medical expert that the man was at the point of death. After his release the man lived fifteen years in good health, and died of injuries received on a railroad. Those fifteen years, however, cost him \$1,000 apiece; for the sum of them is what the expert charged him.

Near to Saratoga the Delaware & Hudson Canal Company Railroad was resisting a suit for damages by a man claiming to have been badly injured on its cars. The defence was contributory negligence, and that the injuries were nominal, and not real. An expert, for revenue only, went on the stand, and swore the plaintiff nearly into his grave. The company's counsel, on cross-examination, confronted the expert with a letter written by himself four months before the beginning of the trial. It was written by the expert to the plaintiff's home physician. It declared that the plaintiff had been under his charge with a few bruises that had been easily healed, and that he was substantially cured. It recited the treatment pursued, and advised its continuance, if the patient did not regard himself as wholly restored. A postscript to this letter was marked confidential. In it the writer—that is, the expert—said he understood the patient proposed bringing a suit against the railroad company for high damages; and the writer added his belief that the case could be sworn through to the satisfaction of any jury by a doctor who kept his mind in good working order. I cannot explain why this expert was so foolish as to write so compromising a letter. The presumption at the trial was that he regarded the practitioner to whom the letter was written to be as unconscionable as himself. I am happy to say that the jury found for the corporation.

These are not typical instances. They are exceptional, but they ought to be impossible. Far from being impossible, they are likely to cease to be exceptional under the stimulus of speculative lawsuits and competitive exploiting of professional views.

But I am not sure that reforms in expert testimony alone will bring about all the improvement which men have a right to demand of tribunals, called tribunals of justice, and which should be tribunals of justice in fact as well as in name. Many of the abuses charged up to expert testimony could be charged up to other testimony. The expert is not the only sinner in the world of witnesses. Law itself may unwittingly be violating the principles on which its institution in the world can be justified. I do not refer to civil litigations. They are luxuries which principally prosper or injure those who engage in them. A large percentage of them is chargeable to corporations which are artificial persons, and in them the issue or the interest is distinctly financial rather than what we may call general or human. I do not forget that human rights have been advanced and government encroachments arrested by many of these cases in which municipalities, companies, or other chartered creatures have been involved. But, in the main, they are not largely affected by public or human interests.

COURTS, THE COMMUNITY AND CRIME.

The relation in which law stands to the community is its relation to crime. The science of criminology is the one which legal reformers, social reformers, humanitarians, and scientists should take into account. Certainly, statistics do not show that right is gaining over wrong that proportion of advantage which existing judicial systems or methods ought to be able to show. In 1850, only 1 person in every 3,442 of our population in America was a prisoner. In 1890, 1 in every 757 persons was a prisoner. The annual cost of the administration of criminal law in the United States is over \$60,000,000. That is more than thirty times as large as the cost of our entire diplomatic service. It is more than twenty-five times as large as the annual remuneration of our federal legislators. Except in war times, it exceeds the cost of our naval and army establishments combined. It represents the largest single item of expense in our system except the interest on the debt or the pension roll.

These figures stand for the theory of punishment as punitive rather than as remedial, as vindictive rather than as reformatory. For one, I am not sorry at the enormity of the figures or at the enormous ratio of their increase. The fact of itself assures a change in the spirit, if not in the methods, of jurisprudence. Let

us look at a few more statistics, for which I am indebted to a recent publication by Dr. Austin Flint and to General Newton Martin Curtis. In 1882 the number of murders in the United States was 1,467. In 1891 the number was 5,906. The proportion of other criminal offences than capital ones shows nearly the same startling increase. This brings us to the question which really underlies the whole matter of medical experts that I have been discussing. Until the probe goes to the bottom the evil will not be explored and the remedy will not be found.

The criminal is a sinner, but he is also a sufferer. He is an offender, but he is also a morally ill man. He is an evil-doer, but he is also a patient. And so should he be regarded. As Dr. Flint contends, that punishment should be administered which is treatment; and treatment should carry in it the element of prescription as well as of penalty. The curability of much, indeed, of most, crime as well as of many other diseases should be kept in view. Protection of the community from incurable crime as from other incurable disease should also be borne in mind. The propagation of habitual criminals is the certain perpetuation not only of the criminal class, but of the great body of offences for which they can be punished, but which their punishment does not reduce in the world.

Of medical experts the function should be less the extenuation of crime, by the estimate or demonstration of the defendant's insanity or irresponsibility, than the protection of the community from him by his sequestration or than the restoration of him to responsibility, to accountability, and to will power by right treatment. The expert's function should be the function of the physician, whether in court or out of court. He should study crime scientifically, as that same foe to the general welfare that any other moral or physical malady is. On this very question of expert evidence, Dr. Flint, himself an authority, says: "Under existing methods, scientific experts, far from giving aid, add confusion to criminal jurisprudence by conflicting testimony. And who shall decide which expert advocate is right?" His contention is that the value of expert testimony can be estimated not at all, if to two contradictory opinions equal value be given. I shall not—for, without too much quotation, I could not, and, even then, I fear not intelligently—follow him in his demand that crime be treated from the standpoint of disease, that the indeterminate sentence and the reformatory object of all sentences be kept in mind. His propo-

sitions have been advocated before in papers here. I give to those propositions, to his opportune statement of them, and to Mr. Brockway's invaluable practical demonstration of their soundness the small homage of my sincere indorsement and earnest admiration. I can only, as a layman, generalize where these real experts specialize.

And so, unscientifically, but ardently and even passionately, if you will, I wish to give my adhesion to the scientific rather than to the theological estimate and treatment of the problem of sin in the world. Sin is want of conformity unto law. But acts are not wrong merely because they are forbidden. They are forbidden because they are wrong. The law from which sin is a deviation or of which it is a violation should be discovered by the study of nature as well as of Scripture and by the light of science as well as by that of revelation. Men may talk and write and fulminate or refine all they please about original sin or imputed guilt or primordial innocence or the fall. For imputation I read heredity. For guilt I read disease. For punishment I read treatment. Theology and science alike agree in regarding man as the victim of violated law. The thing involved, law, and the creature involved, man, are the same. Disputes around these two points of agreement are important only to those who feel themselves put in trust of dogmas or doctrines. They are not significant to those who would walk on the sure and eternal foundations. Yet, it would seem at times as if man is the only part of creation man does not understand. He dominates all animals, and domesticates many. He fells or creates forests. As a cultivator, he stimulates nature to more beautiful and useful results than nature, unaided, could do. He is the only criminal in the world, because he is the only being in the world who has consciousness of evil doing, who has the perception of better doing, and who has the aspiration and capability of advance. He makes nature his servant in his capacity as the consummate product or the head of creation. Yet he punishes himself by his own laws with less justice and discrimination than he does many of the animals whom he dominates.

Crime should be treated by courts, and crimes should be diagnosed by medical experts in a way, if possible, to restore man to the original purity and innocence predicated of him by theology, or to advance him to such a condition, according to whether the not essentially conflicting terms of theology or science be used. The shibboleth of the first runs thought backward to an earlier estate.

The word of the second would front the mind toward a better future. The law which each would subserve is not that body of statutes passed by legislatures. It is not that body of usages called common law, which is the up-come of experience in the race. It is a code of conformity with the original nature of man claimed by theology or with the possibilities of development before man revealed by science. Either can, not irreverently, be called the establishment of God. The old view has given to us crosses; the new view is filled with schools. The old view has been punctuated by the stake; the new view has been illuminated by industry. Our feet stumble over chopping-blocks, or are entangled in bowstrings or hit against the supports of gallows or encounter the clamps of the electric chair in the blinded ways of the past. By the torch which History puts in our hands on that dreary road are seen whipping-posts, dungeons, punitive prisons, penal colonies, starvation cells, and the like. These have required punishments proportioned to the criminal's supposed measure of injury to others. That domain of moral darkness is sentinelled by sheriffs, jailers, executioners, armies,—all for the purpose of guarding men in the mass against the percentage of other men called criminals.

CRIME A CURABLE DISEASE.

Thence has been evolved the science of the law as a body of trained men impartially dividing for the protection of the community from the criminal and of the criminal from the community. Hence the intricate mechanism of courts, the serial and appellate system of procedure, with the confessed gain of crime on authority out of proportion to the gain of population and in sarcastic contrast with the progress of religion and of education in the world. Something better than this must be had. The criminal must be protected from himself. Such a study of him as will account for what he is and why he is so, for what he did, and why he did it, must be secured. Such a change of influences as will form in him at least a perception of better things must be effected. Encouragement to right-doing and inducement to it must be supplied.

The criminal is not an instance. He is a type. He is not merely a person. He is a species. He is not merely a transgressor. He is a product. He is not merely a product. He is a reproducer of his kind worsened and intensified. His moral sanitation must be regarded as of vital importance. The commu-

nity must be protected from his begetting powers until he can be made a worthy citizen and allowed to become a worthy progenitor.

This is where the medical expert should come in. The community should be his patient when the prisoner is his subject. He should prognose the case of posterity when he deals with the contemporary culprit. The prison to him should be a hospital or an asylum. All our jurisprudence should be essentially medical in its intent, scientific in its procedure, and moral in its motive. This is entirely possible within existing instrumentalities.

Our courts can be made to respond to these principles. The profession of law can be made compatible with the advocacy of these truths. The function of the district attorney can be made judicial and morally pathological instead of legally vindictive. With him the criminal defendant's attorney can walk hand in hand on the highway of right instead of reproducing the brutal mimicry of savage war, which should be an impossible travesty and an incredible barbarity in temples dedicated to the justice which is mercy and to the mercy which is justice. Of all of our existing institutions of a judicial and legal character use could be made for the moral medication of so-called crime so as to make its treatment preventive where it is not, curative where it is not, uplifting where it is not, an inspiration and an inculcation of hope where now it only carries occasion for despair and a welcome even to death. In all this we should guard against maudlinism or mushiness, than which nothing is more unscientific. Neither of those forms of weakness, however, is involved when one protests against the herding of criminals together or against the wrong of keeping a man longer in prison than the time required to create in him a character-cure and a character-change. To a cured or a convalescent criminal should be no more denied his discharge than to any other cured or convalescent patient. An incurable criminal should no more be let loose upon the community than the causes, the germs, or the victims of an incurable disease. The medical expert question and the question of other experts in their relation to law and to criminology are involved in the sincere invocation for men and for governments of the realization of the divine purpose in restoring or in reforming, in returning or in upraising, all the children of the universal Father to their highest possibilities of development in the world that now is and in the world that is to come.

IV. DEPARTMENT OF HEALTH.

[NOTE.—Dr. W. H. Daly, of Pittsburg, Chairman of the Health Department, arranged a most admirable programme for the Health Section of the Association; but, in consequence of the breaking out of the war between Spain and the United States, Dr. Daly and some of the speakers engaged, including Surgeon-General's Wyman and Sternberg, were immediately called into the active service of the government. This unforeseen event seriously dislocated the programme as arranged, which accounts for the few papers read in the Health Department on Friday. In the absence of Major Daly, Dr. Elmer Lee, of New York, the Secretary of the Department, who ably filled the gap, contributed the following extempore address upon the topic "Health in Camps," the stenographic report of which is herewith submitted. Dr. Lee has had occasion to study the question particularly, in Russia, in previous years.]

I. ADDRESS OF CHAIRMAN LEE.

Since the chairman of this department is in the army, endeavoring to assuage the suffering and alleviate the disease that is now preying upon the soldiers, it has been suggested by your President that some remarks be made on questions as to the health of the army. It was my privilege, three weeks ago, to visit Camp Alger, at Fall Church, Va. The camp, which contained twenty thousand soldiers, is presided over by a surgeon-in-chief, with the rank of lieutenant colonel. He is a member of the regular army service, and his assistant is likewise a member of the regular army service; while the entire list of medical assistants, in this corps composed of twenty thousand soldiers, are volunteer surgeons. Therefore there are in this body of twenty thousand soldiers two regular army surgeons. These two men trained in the routine of the medical department are obliged to remain at headquarters, busily engaged from early morning until midnight in examining and passing upon and signing numerous papers of war work. The looking after the health of the soldiers is intrusted to the subordinates. It is evident, of necessity, that the surgeon, while earnest and zealous to do everything that is for the comfort of the

soldier, is necessarily without experience. Most of these physicians are young men, necessarily young men; for the older men do not, as a rule, volunteer. It is difficult for older men to leave their established practice, whereas the young men, without very much practice, seek an opportunity for advancement and promotion.

Unfortunately, in the army, as in private practice, there is no standard of treatment for any given disease. As in private practice, the individual physician is the director of the welfare of the patient; and the comfort of the patient depends upon the individual judgment of the immediate attendant. Thus it is with the care of the soldiers who are sick in their camps. The head physician may be wise and efficient, but he is not in authority to enforce whatever may be his improved and better ideas with reference to sanitation or treatment of the soldiers. Thus it is reduced finally to the point where the soldier is subject to the individual judgment and experience of the regimental surgeon who happens to be placed over him at the time of his sickness.

It has been thought that this is not a wise plan, and it probably will appear to you as to others that it is not a wise plan. The work of the surgeon of experience is spent in clerical duties from morning to night, and an occasional ride through the camp in a cursory way for general observations; but the care which the soldier gets comes directly from the subordinate, not the chief surgeon and his assistant. At all events, I find it so in Camp Alger. The camp was temporarily placed upon a hillside, the drainage was naturally good; but the prevailing misfortune of this camp has been the prevailing misfortune of every camp during the whole of this war,—the inadequacy of the water supply. And, although all human beings are dependent upon water, to a very large extent, for health and comfort, it is one of the measures which has not been sufficiently attended to in the preparation of our camps. I had the privilege of making three suggestions. My first suggestion was that in the preparation of the army camp, before the encampment is made, there should be ample provision for drinking water by providing at the head or at the middle of each of the camp streets portable barrels of water, sufficiently cold to be agreeable, but not so cold as to prevent free and sufficient drinking of water. I suggested shower baths as the best form. The provisions for baths did not exist, except in one or two instances where they had been provided at the expense of the officers themselves. Where

there is an absence of bathing facilities, there is encouragement for slovenly methods, neglect, and filth. Men who do not have the facilities to cleanse their bodies subject themselves to disease. Many of the men go further in their filthy proclivities by neglecting to remove their clothing at night, lying down in their uniforms. Not only hundreds, but thousands, of men may be found asleep in the tents at night in their clothing; and this clothing in the daytime is saturated with perspiration.

The next provision which a camp should have, and which our camps do not have, are wash-houses. It is pitiful to go through a camp street, and observe the soldier in the rear of the tent endeavoring to wash some portion of the camp filth from his own clothing in a tin pan perhaps not larger than ten inches across the top. Generally, there are provided buckets which are supposed to act as water-carriers, one bucket to ten men. But in many instances there were not so many. Frequently there is only one bucket to twenty men, and in some instances only one to fifty men. All these matters are the direct outcome of the inexperience of the subordinate officer. It is not the fault of the government, not the fault of the general officer at Washington; but it is the lack of proper experience on the part of the subordinate officers themselves. An officer holding subordinate rank is not provided with anything that he does not ask for in regular requisition form; and, if he is not experienced and thoughtful for his men, the soldier suffers in consequence. It is not possible for the chief of the division of the army to personally know in each instance for himself whether, for example, there are as many buckets, as many wash-dishes, as many tin pans, and numerous other articles which are required for comfort, as are in proportion to the needs of the men. With these three provisions I am of the opinion that a vast amount of the suffering and a great deal of the sickness of our army camps could be prevented. With ample provision for drinking-water, there should be notices on each of these water barrels instructing the oftentime fearful soldier that drinking-water in camp life is not dangerous. It is pitiful, often, to observe the fear that is in the individual soldier as to the possible harm which will come to him by drinking water in camp.

One man with whom I talked, who had been in Cuba, a member of one of the divisions from Tampa, said the idea prevailed among the soldiers in Cuba that, the less water they drank, the

better for them, that water was dangerous. Now we have a great deal to criticise for this prevalent idea that our drinking-water is dangerous, and apt to poison and make the body sick, that should attach to the prevalence of the modern nineteenth-century school of bacteria, which finds a deadly fever germ upon the lintel, upon the doorstep, and upon the threshold of our homes, in the water that we drink, upon our fingers, and even in the ink with which we write, upon the pencils which the school-children use, and even upon the slates themselves. The fear that exists to-day among nearly all classes of people, and that has pervaded the army, lest the water be polluted and filled with fever germs, is due to the teaching of the modern school of bacteria. This is not the place to deny or affirm with reference to the value of that school. I merely offer it as an explanation of a great deal of unnecessary fear which is spread through the army camps as well as through the communities of the United States, and probably the whole of the civilized world to-day.

The personal equation of the soldier is the largest element in the suffering and sickness of the army. Wherever there are thirty or forty thousand men gathered together, there will always be a considerable measure of neglect. The rations served are precisely the same in one camp as in another, except of course in the field where actual service is going on. The character of the food which the men have, after it is prepared for their use, depends upon the men themselves. Some of the messes have surprisingly appetizing and palatable dishes. I ate baked beans that were as palatable as probably could be prepared in Boston, drank coffee which was as aromatic and delicious as could be found at Delmonico's or even upon a private table. Perhaps the next mess would provide food of the same material, but of such bad quality through the imperfect process of preparation that it would not be fit for a human being to eat. And thus it is all through the camp: here you will find a feast, there you will find a famine. Here I would suggest a further reformation. There should be some systematic method of cooking instead of leaving it to the company to select, or detailing some members of the company organization to act as cooks. In many instances the young men who were detailed from the company as cooks knew nothing about cooking at all. They never had had any experience. They knew how to boil water inasmuch as they knew how to make a fire under an iron frame, and on this frame to set a

wash boiler and pour in a barrel of beans and let them stew. Beyond this their knowledge of cooking was very limited.

The sickness of the camp is partially preventable. It is largely a matter which will depend upon the individual habit of the soldier himself. Another matter which I am very sure contributes a great deal to disease is the imperfect dress which the American soldier wears. He either dresses too warmly or has insufficient protection. In the most cases his dress is oppressive and overwarm. The habit of wearing wool underwear is not known among soldiers except in the United States. In fact, in the Russian army there is no underwear worn at all, and I am informed that they do well; but there is a rule in all Russia which is almost a sacred rite, that the people take a bath regularly once a week. And that is one advantage which the Russian and European soldier has over the American, that he does not clog the pores of his body by encasing it in an impervious material, and prevent the escape of the impurities which make their exit from the skin. These exudations upon the surface of the body, after they undergo oxidation and are transformed into poisonous material which, reabsorbed into the system, produce a sufficient explanation of disease. Those who feel that the soldier does not dress too warmly might learn a lesson from the poor, half-civilized Cuban warrior who made his way into our camps at the front. He was regarded by the reporters with pity as to his ragged condition, his naked limbs, and his half-uncovered body. If the truth was known, that was no detriment to the health; but, on the contrary, he was better for his raggedness. But these are painful experiences to civilized life, and they do grate on our sensibilities, and cause us to feel a pity for this neglected condition. But the neglected condition is natural to the Cuban: it is natural to his environment. He is more in accord with nature's requirements than the civilized method of clothing the body. And we sometimes waste valuable energies in unnecessary attempts to relieve conditions which are better oftentimes by being unrelieved. If we would always do the practical things and lay aside the theoretical refinements and luxuries pertaining to life, it would accomplish enough many times to prevent suffering and disease to the individual and to our army as an army.

I think, for one, being, as I am, a physician of years of experience, and therefore reasonably possessed of the right to speak, that this large fatality from sickness in the army is a disgrace upon

the profession of medicine. Let me make myself very clear. Not a disgrace upon the individual doctor, the medical department, nor upon the officers at Washington, from the Secretary of the War Department down to the orderly in the hospital wards, but a disgrace upon the system of medical teaching in the last of the nineteenth century. The medical teaching is wrong. Its method is wrong. One school in one part of the country teaches one thing; another school in an adjoining city teaches another thing. It all depends upon the personal equation of the lecturer. There is no agreed standard for the treatment of disease. It would be fortunate, if it were in the power of the Surgeon-general in the army, to *standardize* the treatment of all fevers, and perfect it as nearly as possible; but he should certainly standardize it. I would not have a doctor at Camp Meade treating fever one way, and others treating fever a different way. I would have it uniformly systematized.

By that I mean this: I would have one treatment, I would have one system. It would not be left to the individual subordinate to decide whether he should give calomel, quinine, arsenic, or any other poison, or no poison. There would be a plan laid down for him, whether he approved of it or not. I think the average treatment would be far better, and it would be a help and an avoidance of the harsh criticisms which are indiscriminately spreading throughout the United States as to the mismanagement of the medical department all through the army. It is not the fault of the Surgeon-general, a man of perception, and heart and head: it is the fault of our complex and unsettled system of teaching medicine. It is owing to the vast number of individual temperaments and inexperience. A different interpretation is placed by each individual upon symptoms, upon the exhibition of internal disease. A symptom may be thought by one individual to mean neuralgia, and by another to be an evidence of rheumatism. If it is interpreted by one member of the medical department as neuralgia, it would probably receive a treatment very different indeed than if interpreted by another man as an indication of rheumatism; and thus the patient would receive diametrically different treatment according to the opinion of his physician. I mention these things to show whereon the criticism is based that the system of teaching medicine is a confusion: it is not sufficiently standardized. We have in the teaching of anatomy a system or science. An institution here teaches a certain system of anatomy, and another insti-

tution five or ten thousand miles away teaches the same system. Our physiology is practically settled ; but when we come into the domain of the interpretation to which bodily symptoms refer, there is bewilderment. The wonderful provisions in Europe for the care of large congregations of men is worthy of being studied by our own people.

The genius of the American nation, I am sure, if the war had lasted long enough, would have constructed the wisest and most complete system of local care of the army probably known in the world, such is the capacity of American genius. But the opportunity has not been presented, and the war has been of such short duration that there has not been time enough to determine the value of individual methods of care for the soldier. It is a new experience for us. Many of those engaged in conducting the departments have never had experience, so many years having elapsed since our last war. But it is too great a responsibility for one not himself personally engaged on the ground to undertake to righteously criticise the medical department of our army. It certainly is not safe to indulge in criticisms on the individuals who were there doing the very best they knew how. Whether we will have a better system is a matter that is worth pondering. Certainly we must expect progress. If progress means improvement, then there will be a better system.

Dr. LUCY HALL-BROWN.—It seems to me, with regard to the question of typhoid fever, that there has been no reason to criticise the treatment. The best way to cure typhoid is not to get it. It seems to me that nothing can be more certain than that the spread of typhoid in the army has been from the direct fact that the bacilli of typhoid were distributed through the food and drinking water. So far as a stereotyped treatment is concerned, we all know that proper food, care, and nursing, and the skill of a physician to control, so far as possible, the action of these germs, is the true method of caring for typhoid fever.

As to the confusion in teaching in the medical profession, I fail to see where that comes in. I have been in medical schools in London, Paris, and Germany, and a large number of those in this country, and my medical library is pretty fully supplied with all the various treatises on disease. I do not see where we differ so very much in our teaching. It certainly seems impossible that any one should take in hand any patient who is ill with any disease whatever without taking what our friend Dr. Lee terms "personal equation" into account. One man may have a weak heart, another man a strong heart, another may be a victim of uric acid. One may have, as suggested, a tendency to neuralgia, another may have rheumatism, and another malaria; and on account of these each would require a different course of treatment. As a surgeon said

to me in the Long Island Hospital, where a man had a high temperature from a bad wound and yet showed that he had malaria, "I believe that the condition of the wound has caused most of the trouble, although, no doubt, the man has malaria."

So far as the efficiency of our medical department at Washington is concerned, I do not know; but it seems to me that an efficient man there might have in some way controlled matters so that the terrible conditions which are now prevailing, in Southern camps especially, might have been avoided. Take, for example, General Fitz Hugh Lee, with Dr. Fowler as his right-hand man, and see the extremely good condition of his men with regard to disease; and, with equal efficiency elsewhere, a large part of the illness among our troops might have been avoided. If Fitz Hugh Lee and Dr. Fowler can bring forth such results, why not others?

Chancellor HOLLAND — I believe it is necessary to wear light, loose flannel underwear next to the skin, especially as the chill of the evening in the tropics comes on. I feel inclined to differ a little from my friend Dr. Lee as to the use of underwear. I have travelled in the tropics considerably myself; and, when the evening comes on in the tropics, there is a chill,—not a gradual change, but a sudden chill. I think the animals of the tropics teach us something on this question, and I have studied hundreds of tropical animals. The whole genus of African moths is noted for its excess of wool. These moths have an extremely dense covering of fine wool next to the skin. I think nature teaches us something there. I say to men in the camp, Let whiskey alone, boil and filter your water, and wear loose, light flannels next the skin.

2. REMARKS UPON THE FILTRATION OF MUNICIPAL WATER SUPPLIES.*

BY W. J. HOLLAND, LL.D., CHANCELLOR WESTERN UNIVERSITY OF
PENNSYLVANIA.

[Read Friday morning, September 2.]

A distinguished physiologist has declared that man consists of from twelve to fifteen pounds of mineral salts and two pailfuls of water. Accepting this statement as chemically correct, it will be observed that mankind is in constant danger of evaporation. The human race is constantly struggling against a tendency to dry up. The necessity of protecting the species against such a catastrophe is especially great where men are brought together in those huge aggregations of population known as cities. From the most ancient times, engineering skill has been taxed to provide an abundant supply of good water for the municipalities of the world. Those of you who have seen the ruins of the great aqueduct which conveyed the waters of the Italian foot-hills to the denizens of Rome in the days of the Cæsars, and those of you, who have familiarized yourselves with the methods of obtaining a water supply in the great cities of the present age, will realize the force of what I have said. The invention of the steam-engine has enabled us to solve successfully many problems, which would have been practically insoluble at a time when the distribution of water was dependent wholly upon the action of gravity. I go so far as to say that such a city as Chicago could not by any possibility have been called in to being upon the absolute level upon which it is built, had it not been for the ability which we possess to-day, through the power of steam, to force up water to great elevations and distribute it successfully over a wide area.

The water supply of the cities of the world is to-day brought to them by the action of gravity, or pumped into reservoirs, or else distributed by a combination of the two methods. The true Acropolis of a great modern city is an eminence, not crowned with fortifications, but set on the top with a great reservoir of sparkling water, flashing the blue of the sky like a sapphire.

*This address was designed to be illustrated by a series of lantern slides; but, taking place in the morning, these were not exhibited.

Those who have not given any attention to the subject have but a faint conception of the vast sums of money which have been invested in providing water for the people of the great cities of the world. In localities where it is necessary to pump the supply to a considerable elevation, in order to distribute it through the homes and workshops of the people, a great deal of money has necessarily been expended upon the fabrication of engines, some of which are not only the most ingenious products of engineering skill, but are among the most colossal pieces of machinery in existence. The end sought in the production of these great machines is the maximum of efficiency with the minimum of cost in operation. That wonderful advances have been made in this direction is illustrated by a fact which has just come under my observation in the city where I live. Certain engines, long in use, which at the time they were erected were regarded by many as models of efficiency, have been replaced by a series of more modern engines, capable of performing vastly more work ; and the result is that there are at the present time nine out of twenty-six huge boilers standing idle, though in perfect condition, the steam which they were required to generate in order to operate the old engines being no longer needed by the modern engines which have been recently installed. Where water is supplied by gravity, vast sums of money are of necessity expended in the construction of impounding reservoirs, aqueducts, and canals. Much expense has been also incidentally incurred in the purchase of lands the waters from which flow together to form the supply destined ultimately to be distributed to the urban population. But it is not of the methods of collecting and distributing water to our great cities that I am to speak.

Since the remotest ages the desirability of furnishing a water supply free from sediment and attractive to the eye has been recognized as of the greatest importance. While muddy water is not necessarily unhealthy, nevertheless it is not pleasant to look upon, and frequently it is unpalatable. To secure a supply of clear and brilliant water has always been held to be most important. Modern scientific researches have, within comparatively recent years, shown that it is eminently desirable, not merely to furnish water that is clear in color and palatable, but which has been deprived, so far as possible, of all contamination which is likely to produce disease. The spread of many diseases is due to the presence in the water supply of microscopic vegetable organisms.

One of the most remarkable illustrations of the accuracy of the conclusions which have been reached by scientific men, and which is of course familiar to you all, was furnished at the time of the great cholera epidemic in 1892, in the city of Hamburg, in Germany. The people of Hamburg obtained their supply of water from the river Elbe at a point where it was liable to contamination. The people of the adjacent suburb of Altona had another water supply. Cholera ravaged Hamburg, while the people of Altona escaped. Those who used the water supplied to the people of Hamburg on one side of a street suffered from the disease; while the people on the other side of the street, who did not use the same water, were exempt from the malady. Microscopic researches revealed the fact that the river Elbe was thoroughly impregnated with the germ of Asiatic cholera. The result of this terrible visitation in the city of Hamburg was the initiation of a plan to furnish that metropolis with a supply of water from which disease germs are, so far as possible, removed; and at an expense of several millions of dollars Hamburg established on an island above the city a great plant for the purpose of thoroughly filtering the water supplied to the people of the city. Filtration was, however, nothing new at the time that it was adopted by the city of Hamburg. The filtering of municipal supplies of water through deep beds of sand has been carried on extensively in Europe for from thirty to forty years, and some method of filtration of municipal water supplies is now by law made obligatory in the German empire upon all municipalities. The city of London has for many years filtered the water supplied to its inhabitants. The supplies that are furnished to the city of Paris are in part filtered.

Of course, the ideal water supply of any city is a supply which is from the very first free from every contamination. If a municipality can so guard the watershed from which its supplies of the fluid are drawn as to make it impossible for the streams to become contaminated with germs of human or animal disease, and if the water coming from such a spot can be distributed to the population without contamination, nothing more need be done. The city of Vienna, in Austria, receives its water supply from a very distant point in a wild region purposely kept uninhabited; and the people of the Austrian metropolis drink the drippings of snow-clad hills visited by nothing more noxious than the snows of winter and the showers of the springtime. This is a really ideal condition, but a condition which is wholly beyond reach, except at enormous ex-

pense, in many of the great cities of the world. It is a condition of affairs which has to a certain extent been realized in our great metropolis upon the Hudson, but which is impossible, for instance, in such a city as Cincinnati or Louisville, or in many of the cities located upon the great lakes. The great lakes which look so clean and so pure, are, unfortunately, sheets of stagnant water, which receive into their expanse the sewage of multitudes of great communities, and which from passing ships are constantly receiving contamination from human excreta. The water supply of the city of Chicago, taken from a point far out in Lake Michigan, is notoriously defiled by the vast amount of filth which is poured into the lake by the city; and, at vast expense, Chicago is at present undertaking to divert the streams of filth from her sewers to the Illinois River and thence to the Mississippi, so that her supply of water from the lake may be made better. But what Chicago may gain St. Louis and a score of other towns are likely in a measure to lose. It is no exaggeration to say that all the streams on the watershed of the Mississippi basin are more or less contaminated from their very source to their mouths.

It has been my duty in recent months to carry on a series of investigations covering the watershed of the Alleghany and Monongahela Rivers, which unite at Pittsburg to form the Ohio, and from which the metropolis of Western Pennsylvania, with the three-quarters of a million people who cluster about it, derive their supplies of drinking-water; and I have discovered that from the very summit of the Alleghanies the mountain brooks are being defiled by sewage from mining towns and the filth of lumbering camps, and that typhoid fever, the germ of which is believed to be water-borne in most cases, is widely prevalent over the entire area from the very top of the mountains to the lowest point in the valleys. If the entire watershed is then more or less contaminated, the people of great municipalities, like Pittsburg, Cincinnati, Louisville, and St. Louis, who cannot bring to themselves an uncontaminated water supply from distant and inaccessible mountain tops, must resort to some method of filtration by which the water at their doors may be robbed of its deleterious elements and made at once clear and healthful. Filtration in some form or other must be adopted, and filtration should be coupled with the enactment and enforcement of laws against the original defilement of the streams by pouring sewage into them.

This leads me to speak of the filtration of water supplies, as at

present practised. There are in reality but two principal methods. These are in operation under various modified forms, but substantially all the methods may be classified under two divisions. The first method is what is familiarly known as sand filtration, widely resorted to in Europe, in use for a number of years at the city of Lawrence in Massachusetts, and about to be put into operation on an extensive scale in the city of Albany, N.Y. The second method of filtration is familiarly known as the mechanical method, in which the water is passed through sand after having been first treated by the introduction of some form of coagulant. I will now attempt briefly to describe the principal features of these two methods.

Sand Filtration.—A sand filter, as ordinarily constructed, consists of a water-tight basin or reservoir, at the bottom of which are placed open-joint hollow tiles, which form the sub-drainage system, communicating with larger systems of tile pipes which serve as effluent drains when the plant is in operation. Over these tile-drains is placed a layer of broken stone, from two to three feet in thickness. Above this is placed a layer of coarse gravel; above this, layers of finer gravel, screened, the grain gradually diminishing in size as each layer is laid on toward the top; and, finally, over the entire surface are laid from two to two and a half feet of fine sand. The water is introduced from above, percolates through the sand to the gravel, is collected in the drains, thence flows into a basin, from which it is conveyed to the distributing mains.

The arrangement of the material for the construction of such a filter requires some care; but the plant, as you will observe, is apparently a simple one. A filter constructed in this manner admits of the slow percolation of the water from the upper surface downward; and in the process it has been discovered that the water is not only largely freed from sedimentary deposits, but is also robbed of its bacterial life. In the process of allowing the water to percolate through the upper sand layers, it follows speedily that a thin deposit of silt and slime takes place upon the upper surface. To this deposit German engineers have given the expressive name of *Schmutzdeckel*, and the word has come to be generally employed in speaking of this deposit by hydraulic engineers. The *Schmutzdeckel*, or thin layer deposited on the surface of the sand, appears to play a very important part in the purification of the water from bacterial life. The minute vegetable organisms—many of them innocuous, it is true, some of them disease-producing

germs — become entangled in this thin upper layer, their passage downward through the sand is arrested, and they are prevented from passing through into the effluent. In fact, a sand filter never reaches its maximum efficiency until time enough has elapsed to permit of the formation of this slimy skin upon the upper surface of the sand. In the process of time the *Schmutzdeckel* gradually becomes thicker; and, finally, the deposit upon the upper surface of the sand becomes so thick and hard, having almost the appearance of a layer of greenish felt, that the flow of water is arrested to such a degree as to make it necessary to remove it. This is done by the process of scraping. A thin shaving of the sand of the upper surface is removed, together with the *Schmutzdeckel*, the water is allowed again to flow over the filter, and a new covering is formed. The necessity for scraping the upper surface of the sand, in order to maintain an efficient flow, varies with the condition of the water that is being placed upon the filter. When very muddy water is allowed to flow over the surface of the filter, the pores of the upper layer become quickly choked, and scraping at frequent intervals becomes necessary. Where water is comparatively clear, scraping is not necessitated at more frequent intervals than from five to six weeks; and, under favorable conditions, a filter may be even operated for two months without any necessity for removing the thin upper layers. The sand that is removed in the process of scraping is washed free from its impurities and of the deleterious matter, allowed to dry in the sunlight and air, and is used again in replacing the covering of the beds where they have been thinned off by the process of scraping.

Experiment has proved that, with water not abnormally filled with sedimentary deposit, three millions of gallons of water per acre can be passed daily through a filter such as I have described, yielding a clarified effluent, from which 98 to 99.25 of all bacterial life has been removed. The effluent is as pure, therefore, as water which is yielded by the best mountain springs; for it must be remembered that no water whatever is absolutely free from vegetable micro-organisms. Fortunately, as I have already indicated, the vast majority of these organisms are not morbid; and experiment goes to show that disease-producing germs are even more susceptible to destructive influences by the process of filtration than others, so that, if from 98 to 99 per cent. of all the bacterial life is removed, the presumption is extremely strong that there has been a total removal from the effluent of morbid germs. This

method of filtration in use at Lawrence, Mass., about to be installed in the neighboring city of Albany, is the method employed in London, Hamburg, Bremen, Berlin, and a multitude of other European cities.

One of the great difficulties in operating such a filter as I have described arises in winter-time from the accumulation of ice upon the surface. In order to prevent the freezing of the water in the filters, many of them are covered by vaulted arches of brick masonry. This is done in the city of Berlin, and this will be done with the new filters in process of construction at Albany. In Hamburg a reasonably satisfactory solution of the difficulties arising from the formation of ice has been reached by the construction of a scraper which is made to operate under the ice. The scraper consists of a hollow metal box, capable of floating on the surface. On the lower side of this box is a cutting or shaving tool consisting of a long blade, behind which is a bag. This blade and the bag following are made reversible. The apparatus is operated by wire cables which pass under the ice, motion to which is communicated from windlasses stationed on either side of the basin. When it is desired to scrape the surface of the sand underneath the ice, the ice along either edge of the basin is removed to a width sufficient to permit the introduction of the shaving apparatus. It is then passed to and fro over the surface of the sand, shaving off the *Schmutzdeckel*, which is caught in the bag; and the material thus removed is piled up on the edge of the filter, where it is allowed to remain until thawing weather permits the drainage of the water from the upper surface, when the piles that have accumulated along the side are removed and taken to the washer. The climate in the city of Hamburg is by no means mild in the winter-time, and ice sometimes forms to the thickness of over a foot. Nevertheless, by means of this comparatively simple contrivance the Hamburg filters have been scraped during the winter months, and a state of efficiency has been maintained, and the enormous cost of vaulting over the filters with masonry has been saved.

Some eighteen months ago, while visiting the Lawrence filtration plant, the filters of which are not covered, and where the ice is cut and removed as it forms, the chairman of the Pittsburg Filtration Committee, who is also the superintendent and general manager of the Pennsylvania Railroad in Pittsburg, suggested to the authorities that the same method might be employed to prevent

the formation of ice over the filter which is used by the Pennsylvania Railroad in preventing the freezing of the water in the tanks from which the express trains take water while under way. The arrangement is a very simple one by which waste steam from the pump-house is carried along the tank, and permitted to blow over the surface of the water. The jet of steam produces a slight agitation and the deposit of a warm film of water over the surface, so that in the severest weather these shallow tanks on the track are free from ice. The authorities at Lawrence acted upon the hint, and placed in position a number of pipes for the purpose of experimentation ; and the result was quite successful, in an experimental way.

In treating the waters of streams which are exceedingly muddy at times, like the Ohio, the Missouri, and the lower Mississippi, which receive the washings from vast alluvial areas, it becomes necessary before filtering the water to allow a certain proportion of the heavy mineral matter held in suspense to be deposited by the process of sedimentation. The very extensive series of experiments carried on at immense expense by the city of Louisville upon the waters of the Ohio River have demonstrated most satisfactorily that without preliminary sedimentation it is impossible in that locality to economically employ the method of sand filtration which I have described ; and I may say that the same remark holds good for the city of Pittsburg at certain seasons of the year, when the rivers are in flood.

The problem of furnishing a supply of filtered water to any one of our great municipalities on the Mississippi watershed is therefore a problem demanding for its solution, first of all, the construction of large reservoirs in which at certain times clear water may be stored, in order to be used upon the filters when the rivers are running liquid mud ; and, secondly, the construction of filters of sufficient size to furnish adequate water supplies.

This may be as good a place as any other to call attention to the enormous consumption of water in American cities and municipalities. Prodigal in everything, the American people are most prodigal in their consumption of water. It is used in hundreds of ways, the very smallest proportion being that which is employed for drinking purposes. The cities of Pittsburg and Allegheny, with an aggregate population of about four hundred and fifty thousand inhabitants, consume daily in the neighborhood of one hundred millions of gallons of water, whereas the city of Berlin, with

a population of a little more than one and a half millions of souls, consumes daily not quite half this amount of the life-giving fluid. The same relative proportions of consumption prevail in almost all American cities. In Berlin each man, woman, and child in the population receives thirty-three gallons of water per diem for use. In Pittsburg each man, woman, and child receives two hundred and fifty gallons. In other words, in Berlin one barrel of water per diem is enough for the people; but in Pittsburg each person requires four hogsheads of water, and yet Pittsburg is not any dirtier than Cincinnati or Chicago. This proportion is accounted for in many ways, but any one who is familiar with Europe knows that the appliances for bathing on the Continent are not nearly so elaborate as in an American house. When visiting Dresden last summer, in hot summer weather, I demanded a bath-room in connection with the apartment assigned me, and was finally accommodated. I was charged for the bath-room twice as much as for the suite of rooms that I occupied; and I heard myself designated by one of the servants of the hotel, when speaking to another, as "Der Herr mit dem Baden" (the gentleman who has the bath), and found myself thus possessing a peculiar distinction.

The second method of filtration has sometimes been called the "American" method, but is more commonly known as the "mechanical" method. It consists in passing the water through sand after having first treated it with a coagulant, generally some one of the salts of iron, common alum being the coagulant most generally in use. The coagulant forms a flocculent precipitate upon the upper surface of the sand, which is contained in large wooden reservoirs; and the water, flowing downward through the sand, is freed from sedimentary matter and bacterial growths, they being caught and entangled in the sedimentary mass of the coagulant deposited upon the upper surface of the sand. After filtration has gone on for a while the upper surface of the filter is cleansed by reversing the current, lightly agitating the upper surface with rakes made to revolve by machinery, the waste water flowing off over the edges of the reservoir into pipes which carry it away and prevent its mingling with the pure water of the filter. The advantage of this method is that it permits of a vastly more rapid flow of water through the filter. The ordinary sand filter, as experiment shows, cannot well be operated at a more rapid rate than three millions of gallons of water to the acre per diem, whereas, in the mechanical method, filtration may be carried on at the rate of one

hundred millions of gallons per acre per diem. In other words, where it is intended to supply pure filtered water to a city which consumes one hundred millions of gallons of water per diem, filter beds thirty-three acres in extent, or even more, will be required; for at all times certain of the filters will be undergoing the process of scraping, and will therefore not be in use. A city consuming one hundred millions of gallons of water per diem will really need from forty to forty-five filters, each covering an acre. Under the mechanical method a hundred millions of gallons of water can be filtered in tanks of the kind that I have briefly described, placed upon a site covering not more than two acres.

One objection that is urged against the mechanical filtration arises from the use of alum. However, by very careful manipulation, which requires a high order of intelligence and the constant presence of a skilled force of chemists, the flow of the alum into the effluent may be controlled, so that very little, if any, of it is perceptible by the most refined chemical tests in the water which passes through these filters.

In the city of Worms an ingenious method of filtering water has recently been devised and put into use. The water is filtered through large tiles made of sand and powdered glass fused into a porous mass and containing a hollow cavity in the interior. These tiles are coupled up in long series in troughs made of cement: the hollows of the interior are coupled up with a lateral effluent pipe. The water is introduced into the trough, and flows from the outside of the tiles into the interior cavities, and is passed out through the effluent pipes. When it becomes necessary to wash the surface of the tiles, the current is reversed, and the sludge is scoured from the tiles and out of the troughs. The water in this case also is treated before it is filtered by being mixed with a preparation of the salts of iron introduced in minute quantities. The objection to this method of filtration, if there be any, arises from the extreme difficulty of effecting a union between the tiles and the effluent pipes so as to prevent leakage and the importation into the outflowing water of deleterious substances. A further objection arises from the tendency to split and crack which has been observed in almost all of the tiles which have been employed. I mention this system simply because it is being at present exploited in this country. It is only used in one locality in Germany, the city of Worms, and, so far as information has been received, is open to criticism because of the inherent difficulties attending its construction and use.

Professor RUSSELL.—I wish to ask the chancellor whether he has given consideration to the precipitation of sewage, in order to prevent contamination?

Dr. HOLLAND.—That is a subject of itself apart and separate from filtration. The subject of contamination of streams is being cared for legally in this and other countries.

Professor WAYLAND.—With reference to filtration for private houses, is there any reason why one should use charcoal, or is sand sufficient?

Dr. HOLLAND.—I think it is well known that after a period of time charcoal becomes foul. Charcoal is one of the best agencies for treating water antiseptically: it seems to produce a rapid oxidization. I think, for my part, the very best filter for a house filter is the common Pasteur filter.

Dr. CURTIS.—How frequently should a filter an acre in extent be scraped? For instance, in Pittsburg, how often must the surface be scraped?

Dr. HOLLAND.—The scraping depends entirely upon the condition of the water that is admitted to the filter. At Lawrence, Mass., in the summer months and in the winter months, when a period of flood does not prevail in the Merrimac, they tell me the filters require scraping not more frequently than once a month; and a filter will often maintain itself as long as six weeks, or even two months without scraping. With the waters of the Mississippi Valley, carrying a very large amount of clay in solution, it becomes necessary to scrape more frequently. In Pittsburg, during the summer months when the water is low, we can run the filter as long as at Lawrence; but a sudden summer shower, bringing up all the affluents of the Monongahela and Allegheny, and sending down a current of mud, chokes the filter, and you have to scrape.

Professor RUSSELL.—I would like to ask Dr. Holland whether he has heard Colonel Waring, of New York, explain his plan of disposing of the sewage and the consequent contamination of the water supply. He has some apparatus, as I remember it, whereby all that comes from the household drains is made into pure water, and each house uses the same water over again, pure water being made out of the substances drained off in various ways from the house. I would like to ask if you have heard of it.

Dr. HOLLAND.—Not through a personal audience with Colonel Waring, but through reading Colonel Waring's paper. It is theoretically possible. Anybody who is interested in drinking sewage can have the opportunity to do so at any time. It is one of the common acts of kindness at the water station at Lawrence to hand you a tumbler full of Lawrence sewage, which has been absolutely purified and which is chemically pure. But I do not think that process could be carried on advantageously on a large scale. I think any system of that sort in domestic use is open to objection. Things will go wrong even in the laboratory of the most successful.

President BALDWIN.—In the city in which I live I am told that the consumption of water in winter is greater than in summer, and that the explanation is that people allow their faucets to run all night and all day, if need be, to prevent the water from freezing in the pipes; and it is not due to cleanliness, but to household economy. Do not they prevent this better abroad in Berlin and other cities than in American cities?

Dr. HOLLAND.—The remedy is to meter the water as it is supplied to our people. There is undoubtedly a shamefully, extravagant waste, and, undoubtedly, the water problem is made more difficult by this waste.

APPENDIX.

THE CARE OF DEAF-MUTES IN DENMARK.

BY HOLGER MYGIND, M.D.

[Contributed to the Association, but not read for lack of time.]

In hardly any country in the world are deaf-mutes so well cared for as in Denmark, where the instruction of deaf and dumb children has been compulsory since the year 1817.

In Denmark, when a deaf and dumb child reaches the age of eight, he is bound by law to be instructed *either* in his own home or in a private special school, *or*, should the parents be unable to guarantee competent instructors, in a public institution. Hardly 10 per cent. of Danish deaf and dumb children are, however, instructed at home or in private institutions.

In order to control the execution of this law, all parish clergy send into the department for educational and ecclesiastical matters annual reports as to each deaf-mute in their respective parishes, their reports including information as to the social condition, etc., of the deaf-mute.

When the deaf and dumb children are sent up for public instruction, they are divided first into two classes; namely, (A) those whose intelligence is so deficient that they must be considered idiots, (B) those who do not show any signs of idiocy or imbecility. The first class of deaf-mutes is not instructed, while the second group is sent to a preparatory class connected with the Royal Deaf and Dumb Institution in Fredericia. After having been a year in this class, the pupils are examined by a commission consisting of the director-general of the Royal Danish Deaf and Dumb Institutions and the two directors of the Royal Deaf and Dumb Institution in Fredericia and in Copenhagen. After this examination the deaf and dumb pupils are again divided into three groups: (1) this first group consisting of those children who are only partially deaf and

dumb (*i. e.*, those who have some faculty of hearing or of speech, either because the auditory organ is not quite destroyed or because the deafness has occurred at a comparatively advanced age). These are all sent to the Royal Deaf and Dumb School in Nyborg, which can receive one hundred and thirty-five pupils, who are all instructed by means of lip-reading and oral speech. (2) The second group consists of pupils who are totally deaf and dumb, but who have sufficient intelligence and capability of learning oral speech to be instructed by means of lip-reading and oral speech. These are, however, subdivided into two parallel classes, called A. classes and B. classes, the latter containing a lesser degree of intelligence. The deaf-mutes in A. and B. classes remain in the Royal Deaf and Dumb Institution in Fredericia, which is able to receive about two hundred pupils. In both institutions mentioned, only the younger classes are boarded in the institution; while the older pupils are boarded in private families in the town, thus becoming accustomed to intercourse with hearing and speaking people. (3) The third group embraces totally deaf and dumb pupils, who are not considered capable of learning oral speech. These are sent to the Royal Deaf and Dumb Institution in Copenhagen, where there is room for about ninety pupils, who are all instructed by means of writing, also learning dactylology and gesture questions. In all institutions the pupils are discharged when their instruction has lasted altogether eight years, all being confirmed before they leave their respective schools.

The annual payment for each pupil is two hundred and eighty kroner (about seventy-five dollars), the payment, in case of the parents' poverty, being met by the respective county or town to which the child belongs.

In all the different institutions the boys are brought up to learn some practical trade, tailoring, shoemaking, or joinering. Should the parents wish it, the institution assists the pupils in obtaining apprenticeships on leaving.

Later on in life the Danish deaf-mutes are assisted in the following ways:—

A society, called the "Society for Aiding Deaf-mutes instructed by the Oral Method," has the following objects: (1) To assist pupils leaving the Institution for Oral Instruction to apprenticeships (preferably in the neighborhood of their homes), so that they can later on support themselves; (2) to form connections with those clergy in whose parishes deaf-mutes are resident, in

order to give them (the clergy) such assistance as may enable them to become the deaf-mutes' spiritual advisers; (3) to find out such men and women in the deaf-mutes' places of residence as would advise and help them, and also form the connecting link between the institutions and the pupils who have left it; (4) to provide for the spiritual and intellectual development of the deaf-mutes by means of a periodical paper; (5) to support, as far as possible, all undertakings which might prove beneficial for the oral method and its pupils.

Another society called the "Friends of the Abnormal School" gives a little aid to deaf-mutes. In Copenhagen the Deaf and Dumb Girls' Working Home is maintained by voluntary subscriptions and some aid from the State. It can receive up to sixty deaf and dumb girls, who are principally employed in a large laundry connected with the establishment. There is also a dressmaking business attached to it, the girls being also employed in domestic work.

Further, the deaf-mutes of Denmark have formed a large society, "The Deaf-mute Society," of which hearing persons are honorary members. Its object is to assist its members in cases of sickness.

Although the Danish deaf-mutes only number about 1,300, both sexes and all ages included, they have two periodical journals, one of which is edited by the society aiding deaf-mutes instructed by the oral method.

[NOTE.—Owing to lack of space, Professor Folkmar's address could not be published as originally delivered; and the brief abstract herewith submitted was received too late for insertion in "Social Economy Department." This will account for its appearance at the end of the volume.]

SOCIOLOGY AS BASED UPON ANTHROPOLOGY.

BY PROFESSOR DANIEL FOLKMAR, PARIS, FRANCE.

"Science for its own sake" has had its value as a motto, but "science for humanity's sake" is a nobler sentiment. The relation of sociology to anthropology and to other studies may be determined by their relative importance in human life and action. A classification of the sciences may be made upon an ethical basis. Imagine that all knowledge is, as yet, one science, and that the philosophic mind undertakes to set aside and subdivide those portions of it which are of most importance as a guide to conduct. Must not the philosophic mind, in the first place, come to the decision that all knowledge concerning man himself should be studied as a unity, and used as a basis for ethics? This is philosophical anthropology rather than sociology, and this gives rise to positive ethics. We are to judge of the future by the past in ethical matters as in all departments of thought. The ethical systems of the past have not done this. Their method has not been that of induction, but that of deduction.

This is a time of demoralization in thought and in action. This unsettlement is found not in morals only, but in politics, religion, and all the spheres of human life. If it be possible to base ethical principles upon the strong and indisputable facts of science, such a system is the need of the hour. The conquests of science have been made upon the basis of positivism. The great truth to be perceived is that the same spirit must be called into the field of morals,—that a positive system of ethics is a possibility. Glimmerings of this truth seem to have come to our greatest living philosopher, Herbert Spencer. But he halted and hesitated when he approached the vast and more important field of ethical application. The old will-o'-the-wisp of his predecessors, happiness, was the only guide Spencer was able to discover. Still, we do find material in his study of the history of morals, and in the ambitious volumes of Letourneau in the same field, which, it may be pre-

dicted, will form part of the foundation upon which the future structure of ethics will rest. The method on the scientific side has been discovered and well perfected for our use: it only remains to render equally precise the methods of art; for it is within this field rather than within the field of science that ethics lies. The study of the past and the present of man, from which the direction of his future may be foreseen, is covered by no existing science. In its totality it may be called philosophical anthropology. The old physical anthropology clearly covers only a fraction of this field. It has contributed its data of value. Sociology has contributed still more important material, and the special social sciences have worked in many directions upon the complex relations of human life. The need of the hour is a science and a philosophy which will gather all these lines in one hand, and give direction to the forces of progress. The destiny of humanity is involved in this attempt. There may be a wider ethic than that of man or of life in general. If this be true, this ethic will depend in like manner upon the philosophy that covers the phenomena, not only of anthropology and of biology, but of the universe. But this much may be said with confidence: that, since man forms a part of the universe which contains him, his destiny is, in large measure, wrapped up within himself, and his course may be foreseen and forewarned by a review of his progress in the past. Further than this, it will be possible to bring to the aid of anthropology contributions from all the physical sciences which throw light upon the relations existing between man and his physical environment and their mutual history and future.

Sociology is justified because it forms a part of philosophical anthropology, and as such contributes a knowledge of social relations and a study of social experiments and forces, which knowledge is needed for our decisions in social ethics. Sociology has been over-arrogant and lamentably ignorant as regards its true function. It has assumed to furnish in itself the solution of all questions in morals, and even an explanation of a great part of the psychical and physiological facts of individual life. It remains for philosophical anthropology to state the true limitations of sociology and its purpose in the hierarchy of sciences and arts. But, if sociology is to be based upon anthropology it will be necessary to give some idea of what is meant by the latter term; for philosophical anthropology is as yet hardly more than a name. A few simple and therefore crude definitions will indicate the writer's use of these terms.

Philosophical anthropology may be defined as that part of philosophy which treats of human life, including both the broader generalizations of the science of human life and the philosophy of the art of living. It includes, therefore, all that may be known or foreseen concerning man, his past, his present, and his future. Anthropology, as thus defined, includes ethics and all studies in applied sociology, and includes as well all the special sciences which treat of man,—ethnology, ethnography, history, human physiology, psychology, and the like. Anthropology is in turn a part of philosophical biology. Stated in the briefest form, anthropology is the philosophy of human life. *Sociology* is that part of philosophical anthropology which treats of social phenomena. It, too, includes both a science (the *ensemble* of the so-called “social sciences,”—economics, political science, the science of the family, of religion, of education, etc.), on the one hand; while, on the other hand, it includes an art or the arts which may be summed up in the term “social ethics.” Briefly, it is the science, or rather the philosophy, which treats of societies and consociations,—the science of association.

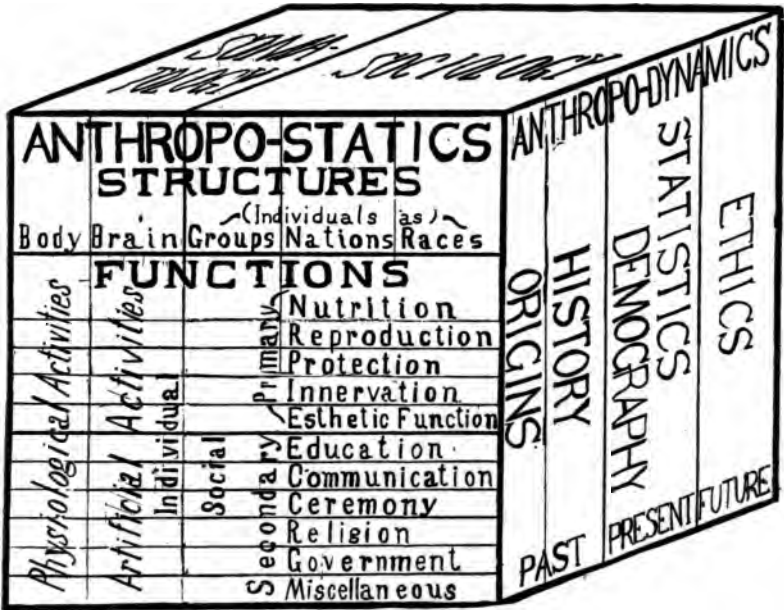
A *social phenomenon* is any action of a human individual upon a conscious human object, or it is a complex of such actions. In such a phenomenon there are always two or more individuals involved, although agencies may be used to carry the action of the one across centuries or around the world to the other. A *consociation* consists of two or more individuals who stand in the relation to each other of subject and object. There are, therefore, no social phenomena without consociation; and a consociation may continue but for an instant or it may endure through centuries. It may include only two individuals in chance contact, or an entire tribe or people. A *society* is a consociation of a more stable or complex order, generally lasting beyond the lifetime of an individual and including large masses of people. *Association* is the state or relation existing between the individuals of a consociation.

All so-called *social phenomena* are individual phenomena. They are psychical in their nature, and can be explained only in accordance with the laws of the psychology of the individual. Anthropology and sociology must therefore be considered as merely subdivisions of biology. There is a steadily growing tendency on the part of the keenest critics in sociology to take this latter view, and to abandon that held by Comte and all his most noted followers. But economy in the division of labor among scientists is the justification, not only for the existence of anthropology and

sociology as separate sciences, but for a number of subdivisions of them.

The anthropological and the sociological arts may well be ranked above the corresponding sciences. Arts are to be subdivided or classified with reference to their importance in satisfying human wants and with reference to their difficulty and the need of a high degree of specialization in pursuing them. Sciences are to be classified with reference to the degree in which they minister to the arts. Ideally, the art furnishes in every case to the science the reason for its existence. The art is to formulate the problems and to direct the efforts of the science. Thus considered, it becomes evident that, as ethics is the most important because it is the most inclusive of all the arts, so anthropology, as the foundation of ethics, ranks highest in honor and importance amongst all the sciences.

PHILOSOPHICAL ANTHROPOLOGY



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